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APPROPRIATIONS, BUDGET ESTIMATES, ETC.

VOL. 2

STATEMENTS

ONE HUNDREDTH CONGRESS, FIRST SESSION

(January 6, 1987 to December 22, 1987)

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PREPARED UNDER THE DIRECTION OF THE COMMITTEES ON APPROPRIATIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY LAW (U.S. CODE, TITLE 2, SECTION 105)

BY

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COMPILERS' NOTES

1. The Legislative Appropriation Act approved June 7, 1924, provided:

"In lieu of the data relating to offices created and omitted and salaries increased and reduced, the statement shall hereafter contain such additional information concerning estimates and appropriations, as the committees may deem necessary."

Such data had been tabulated in previous volumes of this work for each session of Congress from the Fiftieth to the Sixty-seventh, inclusive, covering the fiscal years 1889 to 1924, inclusive.

2. This compilation contains laws affecting, rescinding, or making appropriations which were enacted during the first session of the 100th Congress with the exception of private relief acts containing appropriations. These acts have been omitted from this compilation, but a summary containing the number of the act, the beneficiaries, and the amount appropriated is included.

There were *twenty-three* appropriation bills and resolutions acted upon to some extent by the Congress during the first session of the 100th Congress (twenty were House bills and three were Senate bills) and seven of those bills eventually became law (two were supplementals and five were continuing resolutions). *None* of the thirteen regular annual appropriation bills became law except through the continuing resolution process: *H.R. 2763*—Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 3576*—Department of Defense Appropriations for 1988 was reported by the House Committee on Appropriations while a companion bill (S. 1923) was reported by the Senate Committee on Appropriations with no further action taken by either the House or Senate; *H.R. 2713*—District of Columbia Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 2700*—Energy and Water Development Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 3186*—Foreign Operations, Export Financing, and Related Programs Appropriations for 1988 was reported by the House Committee on Appropriations while a companion bill (S. 1924) was reported by the Senate Committee on Appropriations with no further action taken by either the House or Senate; *H.R. 2783*—Department of Housing and Urban Development—Independent Agencies Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 2712*—Department of the Interior and Related Agencies Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 3058*—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 2714*—Legislative Branch Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 2906*—Military Construction Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; *H.R. 3520*—Rural Development, Agriculture, and Related Agencies Appropriations for 1988 was reported by the House Committee on Appropriations while a companion bill (S. 1800) was reported by the Senate Committee on Appropriations with no further action taken by either the House or Senate; *H.R. 2890*—Department of Transportation and Related Agencies Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395; and *H.R. 2907*—Treasury, Postal Service, and General Government Appropriations for 1988 was passed by both the House and Senate but was conferenced as part of H.J. Res. 395. A chronology of all twenty-three bills is included in table V (see pp. 2374-2381).

Financing of programs and activities normally included in the thirteen regular annual appropriation bills that did not become law is provided through five continuing resolutions as follows:

—Public Law 100-120 for the period October 1-November 10, 1987;
—Public Law 100-162 for the period November 11-December 16, 1987;
—Public Law 100-193 for the period December 17-December 18, 1987;
—Public Law 100-197 for the period December 20-December 21, 1987; and
—Public Law 100-202 for the period December 22, 1987-September 30, 1988.

For further information concerning each of the thirteen regular annual appropriation bills that did not become law, see the "note" at the beginning of each of those bills (pp. 91, 93, 95, 97, 99, 101, 103, 105, 109, 111, 113, 115, and 117).

There were no separate "rescission acts" or "deferral resolutions" during the 100th Congress, first session; however, several rescissions and deferrals were included in appropriation acts. It should be noted that amounts *proposed* for rescission are not reflected in the *net totals* for new budget (obligational) authority shown in the various tabulations throughout this volume whereas *amounts rescinded are reflected* in those totals.

3. This volume also contains various comparative tabulations for the session showing, by fiscal years and in both detailed and summarized form, the Presidential budget estimates (requests) for "appropriations" and certain other types of requests involving the appropriation of obligating and spending authority.
4. While required by the Constitution as a necessary prerequisite to the withdrawal of *any* money from the Treasury, through long usage the term "appropriation" acquired a definite, technical word-of-art meaning in relating to many details and summaries in the annual budget of the President, in the making available of obligational and spending authority, and in tabulations and summarizations of congressional fiscal actions. If the proposition did not "appropriate" within the concept thus imparted to the term, then it was not added in the "appropriation" totals. If it did so "appropriate", it was added in.

Thus, in congressional tabulations generally, a "reappropriation" (extension) of a balance of a previous appropriation was not added to the "appropriation" totals even though it provided obligational and spending authority beyond what would in its absence have been the case. An "authorization to expend from debt receipts" (sometimes called "public debt borrowing authority") was not counted as an "appropriation" even though it conveyed both authority to obligate and authority to expend. An authorization to enter into contracts in advance of an appropriation ("contract authorization"), being authority to obligate the Government but not to *expend* money, was not added in the general "appropriation" totals. But a subsequent "appropriation to liquidate" that contract authorization—an authority to expend money but not to create additional obligations—was counted as an "appropriation".

Furthermore, historically, prior to fiscal year 1969 the general budgetary and congressional appropriation totals were arranged and presented so as to give greater emphasis and prominence to those dealing with Federal or Federally-owned funds, as distinct from *trust* funds which the Government theoretically holds in a fiduciary capacity. Although prior to fiscal year 1938 (75th Cong., 1st sess.) such trust funds were relatively insignificant in the total appropriations picture they subsequently came to loom large, and while *separately* tabulated and noted in volumes of this work *previous* to the 90th Cong., 2d sess., they were not included in the aggregate totals, of "appropriations" generally emphasized and cited. (See note, table X, in volumes *prior* to the 90th Cong., 2d sess.). But in subsequent volumes, including this volume, they *are* incorporated in general appropriation totals.

Title 31 U.S.C., section 2, dealing with the national budget system, provides that the term "appropriations" includes, in appropriate context "* * * funds and authorizations to create obligations by contract in advance of appropriations, or any other authority making funds available for obligation or expenditure."

Special Note.—A further significant departure in what is now included in several general summary tabulations, which was not so included in these volumes *prior* to the 90th Cong., 2d sess., has to do with obligational or spending authority (including rescissions) conveyed in acts other than the regular annual and supplemental "appropriation" acts. Copies of such acts, and certain specific tabulations related to them, usually appear in one way or another in such prior volumes, but the amounts were not cranked directly into a number of the overall summary tabulations as had been done in volumes beginning with the 90th Cong., 2d sess. This especially affects tables VIII, IX, and X. To retain some consistency of ready identity as between amounts relating to the regular annual and supplemental "appropriation" acts and amounts relating to "appropriations in legislative acts", there is a breakout among these lines in each of these three tables (in some years, the "legislative act" amounts are quite significant, relatively. And sometimes, it is not easy or possible to nail down with absolute precision the amounts involved in the "budget estimates" or the amounts "appropriated"). The total new budget (obligational) authority in these tables are net amounts reflecting rescissions in regular annual and supplemental appropriation acts, rescission acts, and legislative acts.

A new, *unified* budget concept recommended by the President's Commission on Budget Concepts in its report of October 10, 1967, was embraced by the President, and the Budget for 1969 incorporated most of its basic features. The object was to secure usage, as nearly as may be practicable, of a *single* concept of appropriations, receipts, expenditures, lending, and debt in order to promote public and congressional understanding of Federal fiscal and budget actions and matters. The various comparative tabulations and summaries in this volume conform generally to the new concept in respect to "appropriations".

(For a more detailed exposition of the new concept, see the Report of the Commission, especially in relation to "appropriation", pp. 6, 12, 16, 76, 95, and 100; Special Analysis A, the Budget for 1969; and hearings of February 8, 1968, before the Committee on Appropriations, House of Representatives, on the Budget for 1969, p. 40 and following.)

Thus, in lieu of the terms "Estimates" and "Appropriations" used in volumes previous to the 90th Cong., 2d sess., subsequent volumes, including this volume, use the terms "Budget estimates of new (obligational) authority" and "New budget (obligational) authority appropriated". In broad terms, by far the major single difference between aggregate general totals in this volume in contrast to those in volumes previous to the 90th Cong., 2d sess., is the inclusion, in this volume, of *trust* funds (virtually all of which, incidentally, in any session or year, flow automatically from permanent-type enactment of *previous* sessions that thus do not require action in bills of the *current* session). And even under the new concept, in all but a relative handful of instances, the new budget (obligational) authority "requested" and "appropriated" is in the old, conventional "appropriation" form as previously used and understood.

Specifically, "new budget (obligational) authority" is derived by—

Appropriations (as herein above described) excluding appropriations to liquidate contract authorizations; plus
Reappropriations; plus
Contract authorizations; plus
Authorizations to spend from debt receipts.

It must be noted that there are, within the Government, certain inter-fund and intragovernmental payments between accounts that get counted in both places. Principal examples include: Interest on public debt securities held by trust funds; governmental contributions to employee retirement trust funds; and general fund contributions to various insurance programs. And under the new unified concept, certain "proprietary receipts from the public" are offset against budget authority *for budget summary presentation* purposes. This situation can complicate if a simple addition of Federal fund totals and trust fund totals is made without reckoning with this "deduct" problem. [Note.—The aggregate "deduct" figure of $209,337,833,000 for fiscal year 1988 used in several of the summary tables in this volume is the *estimated* amount relating to fiscal year 1988 shown on page 6c–20 of the Budget Supplement for 1988. Being an estimate, the "deduct" figure is *subject to revision* as actual data become available; and an updated amount for fiscal 1988 will appear in the budget for 1989.]

5. The Congressional Budget and Impoundment Control Act of 1974, Public Law 93–344, changed the fiscal year from the July 1–June 30 fiscal year to an October 1–September 30 fiscal year, and provided for the change to take place with the fiscal year beginning October 1, 1976 (fiscal year 1977). However, the preceding fiscal year (1976) ran from July 1, 1975 through June 30, 1976, thus providing a three-month interim period (July 1–September 30, 1976) for the necessary transition to the new fiscal year. This volume and the ten previous volumes are based upon the October 1–September 30 fiscal year.

   Title X (the "Impoundment Control Act of 1974") of the Congressional Budget and Impoundment Control Act of 1974 established new procedures for the reporting and control of impoundment actions of the President. Included in this volume are reports showing the status of rescissions and deferrals for fiscal year 1987 and the first 3 months of fiscal year 1988.

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[1] Majority and minority members elected January 6, 1987.
[2] Majority members elected January 6, 1987. Minority members elected January 21, 1987.
[3] Resigned October 5, 1987.
[4] Elected to the Committee October 21, 1987.

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Public Law 100-26
100th Congress

101 STAT. 273

An Act

To make technical corrections in certain defense-related laws.

Apr. 21, 1987
[H.R. 1783]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Defense Technical Corrections Act of 1987.
10 USC 101 note.

SECTION 1. SHORT TITLE

This Act may be cited as the "Defense Technical Corrections Act of 1987".

SEC. 2. REFERENCES TO 99TH CONGRESS LAWS

For purposes of this Act:

(1) The term "Defense Authorization Act" means the Department of Defense Authorization Act, 1987 (division A of Public Law 99-661; 100 Stat. 3816 et seq.).

(2) The term "Defense Appropriations Act" means the Department of Defense Appropriations Act, 1987 (as contained in identical form in section 101(c) of Public Law 99-500 (100 Stat. 1783-82 et seq.) and section 101(c) of Public Law 99-591 (100 Stat. 3341-82 et seq.)).

(3) The term "Defense Acquisition Improvement Act" means title X of the Defense Appropriations Act and title IX of the Defense Authorization Act (as designated by the amendment made by section 3(5)). Any reference in this Act to the Defense Acquisition Improvement Act shall be considered to be a reference to each such title.

100 Stat. 1783-130, 3341-130. 100 Stat. 3910.

SEC. 3. TECHNICAL CORRECTIONS TO DEFENSE AUTHORIZATION ACT

The Defense Authorization Act is amended as follows:

(1) Section 234(c) is amended—

(A) in paragraph (1), by striking out "adding at the end" and inserting in lieu thereof "inserting after section 2363"; and

(B) in paragraph (2), by striking out "adding at the end" and inserting in lieu thereof "inserting after the item relating to section 2363".

10 USC 2364. 10 USC 2363.

(2) Section 602(b) is amended by inserting "of section 1006" after "Subsection (j)".

37 USC 1006 note.

(3) Sections 643(a) and 644(a) are amended by striking out "such title" and inserting in lieu thereof "title 10, United States Code,".

10 USC 1408, 1450.

(4) Section 651(a)(2) is amended by striking out "of" before "the following".

10 USC 2007.

(5) The title heading preceding section 900 is amended by striking out "**TITLE IV**" and inserting in lieu thereof "**TITLE IX**".

(6) Section 1343(a)(1) is amended by striking out "section 775 (as redesignated by section [502])" and inserting in lieu thereof "section 774".

10 USC 774.

10 USC 5150.

(7) Section 1343(a)(23) is amended by striking out "Section 5155(c)" and inserting in lieu thereof "Section 5150(c) (as redesignated by section 514(a)(2) of Public Law 99-433)".

101 STAT. 274

10 USC 1051.

(8) Section 1343(a)(25) is amended by inserting "(as added by section 806(b) of Public Law 99-399) after "Section 1051(d)".

10 USC 1588.

(9) Section 1355 is amended by striking out "subsections" and inserting in lieu thereof "subsection".

10 USC 4703.

(10) Section 1404(c)(2) is amended by striking out "clause (2) or (3)" and inserting in lieu thereof "clause (1) or (2)".

SEC. 4. TECHNICAL CORRECTIONS TO DEFENSE APPROPRIATIONS ACT

(a) PAYMENT DATE FOR PAY AND ALLOWANCES.—(1) Paragraph (3) of section 9103 of the Defense Appropriations Act is amended to read as follows:

100 Stat. 1783-118, 3341-118.

"(3) Section 1466(a) of title 10, United States Code (as amended by section 661(b) of the Department of Defense Authorization Act, 1987 (Public Law 99-661)), is amended by striking out 'paid that month to' in paragraphs (1)(B) and (2)(B) and inserting in lieu thereof 'accrued for that month by'.".

(2) Paragraph (4) of such section is amended—

(A) by striking out "Section 1013" and inserting in lieu thereof "Section 1014"; and

37 USC 1014 note.

(B) by striking out "subsection (a), and the amendment made by subsection (b)" and inserting in lieu thereof "paragraph (1) and redesignated by section 8(b)(2) of the Defense Technical Corrections Act of 1987, and the amendments made by paragraph (3),".

10 USC 2365.

(b) CLERICAL AMENDMENT.—Section 909(a) of such Act is amended by inserting "(1)" before "Chapter 139".

SEC. 5. TECHNICAL AMENDMENTS TO DEFENSE ACQUISITION IMPROVEMENT ACT

The Defense Acquisition Improvement Act is amended as follows:

10 USC 2437 note.

(1) Section 906(b) is amended by striking out "subsection (b)" in the first sentence and inserting in lieu thereof the following: "section 2437(c) of title 10, United States Code (as added by subsection (a)(1))".

10 USC 2326 note.

(2) Section 908(c) is amended by striking out "this section" and inserting in lieu thereof "subsections (a) and (b)".

10 USC 2365.

(3) Section 909 is amended—

(A) by striking out "by adding after section 2364 (as added by section 234)" in subsection (a) and inserting in lieu thereof "by adding at the end"; and

(B) by striking out "by adding after the item relating to section 2364 (as added by section 234)" in subsection (a)(2) and inserting in lieu thereof "by adding at the end".

100 Stat. 1783-153, 3341-153, 3933.

(4) Section 926(a)(2) is amended by inserting "of such title" after "chapter 137".

(5) Section 932(d) is repealed.

10 USC 1621 note.

(6) Section 954(a)(2) is amended by striking out "section 971" and inserting in lieu thereof "section 951".

100 Stat. 1783-172, 3341-172, 3952.

SEC. 6. CONSTRUCTION OF DUPLICATE AUTHORIZATION AND APPROPRIATION PROVISIONS

10 USC 2301 note.

(a) RULE FOR CONSTRUCTION OF DUPLICATE PROVISIONS.—(1) In applying the provisions of Public Laws 99-500, 99-591, and 99-661 described in paragraph (2)—

100 Stat. 1783, 3341, 3816.

101 STAT. 275

(A) the identical provisions of those public laws referred to in such paragraph shall be treated as having been enacted only once, and

(B) in executing to the United States Code and other statutes of the United States the amendments made by such identical provisions, such amendments shall be executed so as to appear only once in the law as amended.

(2) Paragraph (1) applies with respect to the provisions of the Defense Appropriations Act and the Defense Authorization Act (as amended by sections 3, 4, 5, and 10(a)) referred to across from each other in the following table: 100 Stat. 1783, 3341, 3816.

Section 101(c) of Public Law 99-500	Section 101(c) of Public Law 99-591	Division A of Public Law 99-661
Title X	Title X	Title IX
Sec. 9122	Sec. 9122	Sec. 522
Sec. 9036(b)	Sec. 9036(b)	Sec. 1203
Sec. 9115	Sec. 9115	Sec. 1311

(b) RULE FOR DATE OF ENACTMENT.—(1) The date of the enactment of the provisions of law listed in the middle column, and in the right-hand column, of the table in subsection (a)(2) shall be deemed to be October 18, 1986 (the date of the enactment of Public Law 99-500). 100 Stat. 1783.

(2) Any reference in a provision of law referred to in paragraph (1) to "the date of the enactment of this Act" shall be treated as a reference to October 18, 1986.

SEC. 7. TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

(a) TECHNICAL AND CLARIFYING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) Section 138(c) (as amended by section 903(c)(4) of the Defense Acquisition Improvement Act) is amended by striking out "to the Secretary" and all that follows and inserting in lieu thereof "to the Secretary of Defense and the Under Secretary of Defense for Acquisition and shall be accompanied by such comments as the Secretary may wish to make on the report.".

(2) Section 867(g)(1) is amended by striking out "the Director, Judge Advocate Division, Headquarters, United States Marine Corps" and inserting in lieu thereof "the Staff Judge Advocate to the Commandant of the Marine Corps".

(3) The second sentence of subsection (a) of section 1466 as in effect before the enactment of the Defense Appropriations Act is hereby reenacted as a flush sentence at the end of such subsection. 100 Stat. 1783-83, 3341-83.

(4) Section 2320(a) (as amended by section 953(a) of the Defense Acquisition Improvement Act) is amended—

(A) by inserting after "Federal funds" in paragraph (2)(A) the following: "(other than an item or process developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply)"; and Contracts.

(B) by striking out "of the United States in technical data pertaining to an item or process developed entirely or in part with Federal funds" in paragraph (2)(G)(ii) and inserting in lieu thereof "in technical data otherwise accorded to the United States under such regulations". 101 STAT. 276

(5)(A) Section 2321 (as amended by section 953(b) of the Defense Acquisition Improvement Act) is amended—

(i) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively; and

(ii) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) CONTRACTS COVERED BY SECTION.—This section applies to any contract for supplies or services entered into by the Department of Defense that includes provisions for the delivery of technical data.

"(b) CONTRACTOR JUSTIFICATION FOR RESTRICTIONS.—A contract subject to this section shall provide that a contractor under the contract and any subcontractor under the contract at any tier shall be prepared to furnish to the contracting officer a written justification for any use or release restriction (as defined in subsection (i)) asserted by the contractor or subcontractor.

Contracts.

"(c) REVIEW OF RESTRICTIONS.—(1) The Secretary of Defense shall ensure that there is a thorough review of the appropriateness of any use or release restriction asserted with respect to technical data by a contractor or subcontractor at any tier under a contract subject to this section.

"(2) The review of an asserted use or release restriction under paragraph (1) shall be conducted before the end of the three-year period beginning on the later of—

"(A) the date on which final payment is made on the contract under which the technical data is required to be delivered; or

"(B) the date on which the technical data is delivered under the contract.

Contracts.

"(d) CHALLENGES TO RESTRICTIONS.—(1) The Secretary of Defense may challenge a use or release restriction asserted with respect to technical data by a contractor or subcontractor at any tier under a contract subject to this section if the Secretary finds that—

"(A) reasonable grounds exist to question the current validity of the asserted restriction; and

"(B) the continued adherance by the United States to the asserted restriction would make it impracticable to procure the item to which the technical data pertain competitively at a later time.

"(2)(A) A challenge to an asserted use or release restriction may not be made under paragraph (1) after the end of the three-year period described in subparagraph (B) unless the technical data involved—

"(i) are publicly available;

"(ii) have been furnished to the United States without restriction; or

"(iii) have been otherwise made available without restriction.

"(B) The three-year period referred to in subparagraph (A) is the three-year period beginning on the later of—

"(i) the date on which final payment is made on the contract under which the technical data are required to be delivered; or

"(ii) the date on which the technical data are delivered under the contract.

"(3) If the Secretary challenges an asserted use or release restriction under paragraph (1), the Secretary shall provide written notice of the challenge to the contractor or subcontractor asserting the restriction. Any such notice shall—

"(A) state the specific grounds for challenging the asserted restriction;

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"(B) require a response within 60 days justifying the current validity of the asserted restriction; and

"(C) state that evidence of a justification described in paragraph (4) may be submitted.

"(4) It is a justification of an asserted use or release restriction challenged under paragraph (1) that, within the three-year period preceding the challenge to the restriction, the Department of Defense validated a restriction identical to the asserted restriction if—

"(A) such validation occurred after a challenge to the validated restriction under this paragraph; and

"(B) the validated restriction was asserted by the same contractor or subcontractor (or a licensee of such contractor or subcontractor).".

(B) Subsection (e) of such section (as redesignated by subparagraph (A)(i)) is amended by striking out "If a contractor or subcontractor asserting a restriction subject to this section" and inserting in lieu thereof "TIME FOR CONTRACTORS TO SUBMIT JUSTIFICATIONS.—If a contractor or subcontractor asserting a use or release restriction".

(C) Subsection (f) of such section (as redesignated by subparagraph (A)(i)) is amended—

(i) by striking out "(1) Upon" and inserting in lieu thereof "DECISION BY CONTRACTING OFFICER.—(1) Upon"; and

(ii) by striking out "subsection (b)" in paragraphs (1) and (2) and inserting in lieu thereof "subsection (d)(3)".

(D) Subsection (g) of such section (as redesignated by subparagraph (A)(i)) is amended by inserting "CLAIMS.—" after "(g)".

(E) Subsection (h) of such section (as redesignated by subparagraph (A)(i)) is amended—

(i) by inserting "RIGHTS AND LIABILITY UPON FINAL DISPOSITION.—" after "(h)";

(ii) by striking out "the restriction on the right of the United States to use such technical data" in the matter in paragraph (1) preceding subparagraph (A) and inserting in lieu thereof "the use or release restriction";

(iii) by striking out "on the right of the United States to use the technical data" in paragraph (1)(A);

(iv) by striking out ", as appropriate," in paragraph (1)(B) and inserting in lieu thereof "asserting the restriction"; and

(v) by striking out "the restriction on the right of the United States to use such technical data" in the matter in paragraph (2) preceding subparagraph (A) and inserting in lieu thereof "the use or release restriction".

(F) Such section is further amended by adding at the end the following new subsection:

"(i) USE OR RELEASE RESTRICTION DEFINED.—In this section, the term 'use or release restriction', with respect to technical data delivered to the United States under a contract subject to this section, means a restriction by the contractor on the right of the United States— Contracts

"(1) to use such technical data; or

"(2) to release or disclose such technical data to persons outside the Government or permit the use of such technical data by persons outside the Government.".

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10 USC 2322

(6) Section 2322(b) is amended by striking out "two years" and all that follows and inserting in lieu thereof "on January 17, 1987".

(7)(A) Section 2328 (as added by section 954(a) of the Defense Acquisition Improvement Act) is amended—

(i) in subsection (a)(1)—

(I) by striking out "technical data to a person requesting such a" and inserting in lieu thereof "such technical data to the person requesting the"; and

(II) by striking out "search and duplication" and inserting in lieu thereof "search, duplication, and review";

(ii) by striking out "DISPOSITION OF COSTS" in subsection (b) and inserting in lieu thereof "CREDITING OF RECEIPTS"; and

(iii) by striking out "section 552(a)(4)(A)" in subsection (c)(3) and inserting in lieu thereof "section 552(a)(4)(A)(iii)".

(B)(i) The heading of such section is amended to read as follows:

"§ 2328. Release of technical data under Freedom of Information Act: recovery of costs".

(ii) The item relating to such section in the table of sections at the beginning of chapter 137 is amended to read as follows:

"2328. Release of technical data under Freedom of Information Act: recovery of costs.".

(8) The heading of chapter 138 is amended to read as follows:

"CHAPTER 138—ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH NATO ALLIES AND OTHER COUNTRIES".

10 USC 2364.

(9) Section 2364(c) (as added by section 234(c) of the Defense Authorization Act) is amended—

(A) by striking out "a decision" in paragraph (2) and inserting in lieu thereof "the decision";

(B) by striking out "[a]/[the] selection by an appropriate official of the Department of Defense of" in paragraph (3) and inserting in lieu thereof "the decision by an appropriate official of the Department of Defense selecting"; and

(C) by striking out "approval by an appropriate official of the Department of Defense for" in paragraph (4) and inserting in lieu thereof "the decision by an appropriate official of the Department of Defense approving".

(10) Subsection (d) of section 3036 (as amended by section 922 of Public Law 99-662) is amended—

(A) by designating the first sentence as paragraph (1);

(B) by designating the second sentence as paragraph (2); and

State and local governments.

(C) by striking out "United States" and all that follows in such subsection and inserting in lieu thereof the following: "United States or to a State or political subdivision of a State. The

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Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

"(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

"(B) the services are provided on a reimbursable basis.".

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Chapter 144 of title 10, United States Code (as added by section 101(a) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)) is amended as follows:

Infra.

(1) The heading of such chapter is amended to read as follows:

"CHAPTER 144—MAJOR DEFENSE ACQUISITION PROGRAMS".

(2)(A) Such chapter is amended by inserting after the table of sections the following new section:

10 USC 2430.

"§ 2430. Major defense acquisition program defined

"In this chapter, the term 'major defense acquisition program' means a Department of Defense acquisition program that is not a highly sensitive classified program (as determined by the Secretary of Defense) and—

"(1) that is designated by the Secretary of Defense as a major defense acquisition program; or

"(2) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $200,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $1,000,000,000 (based on fiscal year 1980 constant dollars).".

(B) The table of sections at the beginning of the chapter is amended by inserting before the item relating to section 2431 the following new item:

"2430. Major defense acquisition program defined.".

(3) Section 2432 (as redesignated by section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)), is amended—

(A) by striking out paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(B) by striking out "programed" each place such term appears in subsection (a)(2), as redesignated by subparagraph (A), and inserting in lieu thereof "programmed".

(4) Section 2433(a)(1) (as redesignated by section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)), is amended by striking out "(1) 'Major defense acquisition program', 'program'" and inserting in lieu thereof "(1) The terms 'program'".

(5) Section 2434(b) (as redesignated by section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) and amended by section 1208 of the Department of Defense Authorization Act, 1987 (division A of Public Law 99-661)) is amended— 101 STAT. 280

(A) by striking out paragraph (1); and

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(6) Section 2435 (as added by section 904(a) of the Defense Acquisition Improvement Act) is amended by striking out subsection (c). 10 USC 2435.

(7) Section 2436(d)(3) (as added by section 905(a)(1) of the Defense Acquisition Improvement Act) is amended by inserting a comma after "In this subsection".

(8) Section 2437(a)(1) (as added by section 906(a)(1) of the Defense Acquisition Improvement Act) is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

(9)(A) Section 2305a of title 10, United States Code, is transferred to the end of such chapter 144, redesignated as section 2438, and amended— 10 USC 2431 *et seq.*

(i) by striking out "program," in subsection (d)(1) and all that follows in that subsection and inserting in lieu thereof "program."; and

(ii) by striking out "section 2432(a)(1)(B)" both places it appears in subsection (d)(2) and inserting in lieu thereof "section 2430(2)".

(B) The item relating to such section in the table of sections at the beginning of chapter 137 of such title is transferred to the end of the table of sections at the beginning of chapter 144 of such title and revised to reflect the redesignation of such section made by subparagraph (A).

(c) CLERICAL AND CONFORMING CROSS-REFERENCE AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are each amended—

(A) by striking out the item in each such table relating to chapter 138 and inserting in lieu thereof the following:

"138. Acquisition and Cross-Servicing Agreements with NATO Allies and Other Countries ..... 2341";

(B) by striking out the item in each such table relating to chapter 144 and inserting in lieu thereof the following:

"144. Major Defense Acquisition Programs ..... 2430";

and

(C) by striking out "2701" in the item relating to chapter 161 and inserting in lieu thereof "2721".

(2) Sections 138(a)(2)(B) and 1621(3) of title 10, United States Code (as amended by section 110(g) of Public Law 99-433), are amended by striking out "section 2432(a)(1)" and inserting in lieu thereof "section 2430". *Ante*, p. 279.

(d) UNITED STATES CODE CITATIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 113(e)(2) (as amended by section 603(b) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 1075)) is amended by inserting "(50 U.S.C. 404a)" after "National Security Act of 1947".

(2) Section 2208(i)(3) is amended by inserting "(22 U.S.C. 2778)" after "section 38 of the Arms Export Control Act".

10 USC 2304.
101 STAT. 281

(3) Section 2304 is amended—

(A) by inserting "(41 U.S.C. 403 note)" in subsections (a)(1)(A) and (g)(1) after "Competition in Contracting Act of 1984"; and

(B) by inserting "(41 U.S.C. 416)" in subsection (f)(1)(C) after "Office of Federal Procurement Policy Act".

(4) Section 2318 is amended—

(A) by inserting "(41 U.S.C. 418(a))" in subsection (a)(1) after "Policy Act";

(B) by inserting "(41 U.S.C. 418 (b), (c))" in subsection (a)(2) after "Policy Act"; and

(C) by inserting "(41 U.S.C. 419)" in the second sentence of subsection (c) after "Policy Act".

(5) Section 2319 is amended—

(A) by inserting "(15 U.S.C. 637(b)(7))" in subsection (c)(4) after "the Small Business Act"; and

(B) by inserting "(15 U.S.C. 632)" in subsection (d)(2) after "the Small Business Act".

(6) Section 2664(a)(3) is amended by inserting "App." after "46 U.S.C.".

(e) DUPLICATE SECTION DESIGNATIONS.—Title 10, United States Code, is further amended as follows:

(1)(A) Section 1051, as added by section 806(b)(1) of Public Law 99-399 and amended by section 1343(a)(25) of the Defense Authorization Act, is redesignated as section 1032 and is transferred within chapter 53 to appear immediately after section 1031.

10 USC 1031 *et seq.*

(B) The table of sections at the beginning of chapter 53 is amended—

(i) by inserting after the item relating to section 1031 the following new item:

"1032. Disability and death compensation: dependents of members held as captives.";

and

(ii) by striking out the item relating to the second section 1051.

(2) Section 1095, as added by section 806(c)(1) of Public Law 99-399, is redesignated as section 1095a, and the item relating to that section in the table of sections at the beginning of chapter 55 is amended to reflect such redesignation.

(3) Section 2810, as added by section 315(a) of the Defense Authorization Act, is redesignated as section 2811, and the item relating to that section in the table of sections at the beginning of subchapter I of chapter 169 is revised to reflect that redesignation.

(f) REFERENCES TO REAL ESTATE MINOR CONSTRUCTION AMOUNT.—Title 10, United States Code, is further amended as follows:

(1) Sections 2233a(a)(2)(B)(ii)(II), 2806(c)(1), and 2861(b)(6) are amended by striking out "specified by law" and inserting in lieu thereof "specified by section 2805(a)(2) of this title".

(2) Section 2853 is amended—

(A) by striking out "the amount specified by law as the maximum amount for a minor military construction project" the first place such term appears in subsection (a)(1) and inserting in lieu thereof "the minor project ceiling (as defined in subsection (f))";

(B) by striking out "the amount specified by law as the maximum amount for a minor military construction project" each place such term appears (other than as specified in subparagraph (A)) and inserting in lieu thereof "the minor project ceiling"; 101 STAT. 282

(C) by striking out "such maximum amount" both places it appears in subsection (b) and inserting in lieu thereof "the amount of such ceiling"; and

(D) by adding at the end the following new subsection:

"(f) In this section, the term 'minor project ceiling' means the amount specified by section 2805(a)(2) of this title as the maximum amount for a minor military construction project.".

(g) INTERNAL CROSS-REFERENCES.—Title 10, United States Code, is further amended as follows.

(1) Section 2313(d)(1) is amended by striking out "section 2306(f)" and inserting in lieu thereof "section 2306a".

(2) Section 2343(b) is amended by striking out "2306(f)," and inserting in lieu thereof "section 2306a,".

(3) Section 8062(e) (as amended by section 110(g)(10) of Public Law 99-433) is amended by striking out "section 114" and inserting in lieu thereof "section 115".

(h) REFERENCES TO INTERNAL REVENUE CODE OF 1954.—(1) The following sections of title 10, United States Code, are amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986": sections 1403, 1408(a)(4)(D), 1451(e)(4)(B)(ii), and 2401(d)(1)(B). 26 USC 1 *et seq.*

(2)(A) The heading of section 1403 of such title is amended to read as follows:

"§ 1403. Disability retired pay: treatment under Internal Revenue Code of 1986".

(B) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"1403. Disability retired pay: treatment under Internal Revenue Code of 1986.".

(i) ENACTMENT DATE REFERENCES.—Title 10, United States Code, is further amended as follows:

(1) Sections 101(44), 101(45), and 191(b) are amended by striking out "the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986" and inserting in lieu thereof "October 1, 1986".

(2) Section 708(d)(1) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "October 19, 1984".

(3) Section 2031(a) is amended by striking out "beginning with the calendar year 1966".

(4) Section 2319(c) is amended by striking out "the date of the enactment of the Defense Procurement Reform Act of 1984" in paragraphs (1) and (3) and inserting in lieu thereof "October 19, 1984,".

(j) CAPITALIZATION, PUNCTUATION, ETC. AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(1) Subsection (f) of section 114 (as added by section 105(d) of the Defense Authorization Act) is redesignated as subsection (e). 101 STAT. 283

(2) Section 115(b)(1)(B)(vii) (as added by section 413(2) of the Defense Authorization Act) is amended by striking out "members" and inserting in lieu thereof "Members". 10 USC 115.

(3) Section 1208(a) is amended—

(A) by striking out "clause (1)" and "clause (2)," and inserting in lieu thereof "paragraph (1)" and "paragraph (2),", respectively; and

(B) by striking out "clause (2)(B) of this subsection" and inserting in lieu thereof "paragraph (2)".

(4) The heading of section 1623 (as amended by section

1343(a)(10) of the Defense Authorization Act) is amended by striking out "**flag and general**" and inserting in lieu thereof "**general and flag**".

(5) Section 2397 is amended—

(A) by striking out "3-year" in subsection (b)(1)(B) and inserting in lieu thereof "three-year";

(B) by striking out "2-year" each place it appears and inserting in lieu thereof "two-year"; and

(C) by striking out ", United States Code" in the second sentence of subsection (f)(2).

(6) Subsection (f) of section 2634 (as added by section 620(b)(2) of the Defense Authorization Act) is redesignated as subsection (d).

(7)(A) The heading of section 2774 is amended by striking out "**allowances, and**" and inserting in lieu thereof "**allowances and of**".

(B) Subsection (a) of such section is amended by striking out "as defined in section 101(3) of title 37,".

(C) The item relating to that section in the table of sections at the beginning of chapter 165 is amended to read as follows:

"2774. Claims for overpayment of pay and allowances and of travel and transportation allowances.".

(8) Section 2828 is amended by striking out "Armed Forces" in subsections (a)(1) and (c) and inserting in lieu thereof "armed forces".

(9) Section 2861(b)(7) is amended by inserting "of this title" after "section 2858".

(10)(A) The tables of chapters at the beginning of subtitle B, and at the beginning of part I of subtitle B, are each amended by striking out "3010" in the item relating to chapter 303 and inserting in lieu thereof "3011".

(B) The tables of chapters at the beginning of subtitle D, and at the beginning of part I of subtitle D, are each amended by striking out "8010" in the item relating to chapter 803 and inserting in lieu thereof "8011".

(11) Sections 4723 and 8723 (as amended by section 604(f)(1)(D) of the Defense Authorization Act) are amended by striking out the comma after "disease".

(k) DEFINITIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 101 is amended—

(A) by inserting "The term" in each paragraph (other than paragraph (2)) after the paragraph designation;

(B) by inserting "the term" in paragraph (2) after "United States," the second place it appears; and

101 STAT. 284

(C) by revising the first word after the open quotation marks in each paragraph (other than paragraphs (1), (8) through (13), (44), and (45)) so that the initial letter of such word is lower case.

(2) Sections 976(a), 1045(e), 1587(a), 1621, 2006(b), 2120, 2213(e), 2232, 2302 (other than paragraph (3)), 2305a(d), 2350, 2362(e), 2394(c), 2397(a), 2397a(a), 2403(a), 2432(a), 2547(e), 2801(c), and 5001(a) are amended—

(A) by inserting "The term" in each paragraph after the paragraph designation; and

(B) by revising the first word after the first quotation marks in each paragraph (other than in sections 1045(e), 2006(b)(1), 2213(e)(2), 2232(1), 2350(2), 2801(c)(3), 5001(a)(1), and 5001(a)(2)) so that the initial letter of such word is lower case.

(3) Sections 130(b)(2), 708(e), 975(a)(2), 1490(c), 2319(a), 2324(k), 2391(d), 2401a(d), 2404(e), 2825(a)(2), 2826(f), and 2862(a)(2) are amended by inserting "the term" after "In this section,".

(4) Section 276(b) is amended by inserting ", the term" after "In this section".

(5) Sections 1126(d) and 7420 are amended—

(A) by striking out the dash in the matter preceding paragraph (1) and inserting in lieu thereof a colon;

(B) by inserting "The term" in each paragraph after the paragraph designation;

(C) by striking out the semicolon at the end of each of paragraphs (1) through (4) and inserting in lieu thereof a period; and

(D) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period.

(6) Section 2181 is amended—

(A) by striking out " 'Captive" and inserting in lieu thereof "The terms 'captive"; and

(B) by striking out " 'Dependent" and inserting in lieu thereof "The term 'dependent".

(7) Section 2433(a) is amended—

(A) by inserting "The term" in paragraphs (2) and (4) after the paragraph designation; and

(B) by striking out "(3) 'Procurement" and inserting in lieu thereof "(3) The term 'procurement".

(8) Section 3001 is amended by inserting "the term" after "In this title,".

(9) Section 7430(i) is amended by striking out "As used in" and inserting in lieu thereof "In".

(10) Section 7721(b) is amended by inserting ", the term" after "In this chapter".

SEC. 8. AMENDMENTS TO TITLE 37, UNITED STATES CODE

37 USC 404, 404 note.

(a) CONFLICTING PROVISIONS.—The amendments made to section 404(d) of title 37, United States Code, by section 614(a) of the Defense Authorization Act shall be executed as if that portion of section 9073 of the Defense Appropriations Act which is before the proviso had not been enacted, and such amendments shall be effective as provided in section 614(b) of the Defense Authorization Act. Such portion of section 9073 which is before the proviso shall not be in effect after the date of the enactment of this Act, and the reference to "this section" in such proviso shall be deemed to refer to section 614 of the Defense Authorization Act.

100 Stat. 1783-113, 3341-113.

101 STAT. 285

100 Stat. 3879.

(b) DUPLICATE SECTION DESIGNATIONS.—Title 37, United States Code, is amended as follows:

(1) Section 431, as added by section 615 of the Defense Authorization Act, is redesignated as section 432, and the item relating to that section in the table of sections at the beginning of chapter 7 of such title is revised to reflect that redesignation.

(2) Section 1013, as added by section 9103 of the Defense Appropriations Act, is redesignated as section 1014, and the item relating to that section in the table of sections at the beginning of chapter 19 of such title is revised to reflect that redesignation.

(c) REFERENCE TO INTERNAL REVENUE CODE OF 1954.—Section 558 of title 37, United States Code, is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

26 USC 1 *et seq.*

(d) CLERICAL AMENDMENTS.—Title 37, United States Code, is amended as follows:

(1) Section 301(b) is amended by striking out "Monthly rate" each place it appears and inserting in lieu thereof "Monthly Rate".

(2) Section 302a is amended—

(A) by striking out "a" at the beginning of paragraphs (1), (2), and (3) and inserting in lieu thereof "A";

(B) by striking out ", or" at the end of paragraph (1)(A) and inserting in lieu thereof "; or";

(C) by striking out the semicolon at the end of paragraph (1)(B) and inserting in lieu thereof a period; and

(D) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(3) Section 303 is amended—

(A) by striking out "a" at the beginning of paragraphs (1), (2), and (3) and inserting in lieu thereof "A";

(B) by striking out ", or" at the end of paragraph (1)(B) and inserting in lieu thereof "; or";

(C) by striking out the semicolon at the end of paragraph (1)(C) and inserting in lieu thereof a period;

(D) by striking out the comma at the end of paragraphs (1)(A) and (1)(B) and inserting in lieu thereof a semicolon; and

(E) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(4) Section 308i is amended in subsection (b)(1)(B) by inserting a comma after "$2,500".

(5) Section 403(l)(1) is amended by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(6) Sections 404(d)(1)(A) and 408 are amended by striking out "privately-owned" and inserting in lieu thereof "privately owned".

(7) Section 406 is amended—

(A) by striking out "round trip" each place it appears in subsection (a) and inserting in lieu thereof "round-trip"; and

(B) by striking out "roundtrip" in subsection (b) and inserting in lieu thereof "round-trip".

101 STAT. 286

37 USC 411.

(8) Section 411b(a) is amended by striking out "forty-eight" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "48".

(9) Section 411c(b) is amended—

(A) by striking out "roundtrip" and inserting in lieu thereof "round-trip"; and

(B) by striking out "roundtrips" and inserting in lieu thereof "round-trips".

(e) DEFINITIONS.—Title 37, United States Code, is further amended as follows:

(1) Section 101 is amended—

(A) by striking out "for the purposes of this title—" and inserting in lieu thereof "the following definitions apply in this title:";

(B) by inserting "The term" in each paragraph after the paragraph designation;

(C) by revising the first word after the open quotation marks in each paragraph (other than paragraphs (1) and (6) through (10)) so that the initial letter of such word is lower case;

(D) by striking out the semicolon at the end of paragraphs (1) through (24) and inserting in lieu thereof a period; and

(E) by striking out "and" at the end of paragraph (24).

(2) Section 301 is amended—

(A) by striking out "For the purposes of this subsection," in subsection (a) and inserting in lieu thereof "In this subsection, the term"; and

(B) by striking out "paragraph" in subsection (f)(2)(C) and inserting in lieu thereof "paragraph, the term".

(3) Section 301a(6) is amended—

(A) by striking out "For the purposes of this section, the term—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in each subparagraph after the subparagraph designation;

(C) by striking out the semicolon at the end of subparagraphs (A) and (B) and inserting in lieu thereof a period; and

(D) by striking out "and" at the end of subparagraph (B).

(4) Section 301c(a)(5) is amended—

(A) by striking out "For the purposes of this section, the term—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in subparagraphs (A) and (B) after each subparagraph designation; and

(C) by revising the first word after the open quotation marks in subparagraphs (A) and (B) so that the initial letter of such word is lower case.

(5) Section 305a(d) is amended by striking out "For the purposes of this section," and inserting in lieu thereof "In this section,".

(6) Sections 315, 409(e), 411d(d), and 501(a) are amended by inserting "the term" after "In this section,".

(7) Section 401 is amended by inserting "the term" after "In this chapter,".

(8) Section 403a(c)(6)(B) is amended by inserting "the term" after "In subparagraph (A),".

101 STAT. 287

(9) Section 501(g) is amended in the last sentence by inserting "the term" before the open quotation marks each place they appear. 37 USC 411.

(10) Section 551 is amended—

(A) by striking out "In this chapter—" and inserting in lieu thereof "In this chapter:";

(B) by inserting "The term" in each paragraph after the paragraph designation;

(C) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period; and

(D) by striking out "and" at the end of paragraph (2).

(11) Section 559(a) is amended—

(A) by striking out "In this section—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in paragraphs (1) and (2) after the paragraph designation; and

(C) by striking out "; and" at the end of paragraph (1) and inserting in lieu thereof a period.

SEC. 9. RECODIFICATION OF CERTAIN INTELLIGENCE PROVISIONS

(a) RECODIFICATION.—(1) Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter: 10 USC 101.

"CHAPTER 21—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

"Sec.
"421. Funds transfers for foreign cryptologic support.
"422. Counterintelligence official reception and representation expenses.
"423. Authority to use proceeds from counterintelligence operations of the military department.".

(2) Section 128 of such title (as redesignated by section 101 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)) is transferred to the end of chapter 21 of such title (as added by paragraph (1)) and is redesignated as section 421.

(3) Sections 140a and 140b of such title (as added by sections 401 and 403, respectively, of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569)) are transferred to the end of such chapter and redesignated as sections 422 and 423, respectively.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 128.

(2) The table of sections at the beginning of chapter 4 of such title is amended by striking out the items relating to sections 140a and

140b (as added by sections 401 and 403, respectively, of the Intelligence Authorization Act for Fiscal Year 1987).

(3) Section 423 of such title (as redesignated by subsection (a)(3)) is amended by striking out "United States Code," in subsection (a).

(4) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended by inserting after the item relating to chapter 20 (as added by section 333(a)(2) of the Defense Authorization Act) the following new item:

101 STAT. 288 "21. Department of Defense Intelligence Matters ..... 421".

SEC. 10. CORRECTIONS TO SMALL BUSINESS PROCUREMENT PROVISIONS

(a) DEFENSE ACQUISITION IMPROVEMENT ACT.—Section 921 of the Defense Acquisition Improvement Act is amended as follows:

100 Stat. 1783-147, 3341-147, 3926.

(1) Subsection (a)(1) is amended by striking out "paragraph" and inserting in lieu thereof "clause".

15 USC 644. 15 USC 632 note.

(2) Subsection (h)(3) is amended by striking out "value of contracts to be awarded under such sections" at the end of the first sentence and inserting in lieu thereof "dollar value of the contracts to be awarded in that industry category".

Contracts.

(3) Subsection (j) is amended by striking out "construction" and all that follows in such subsection and inserting in lieu thereof "construction by Great Lakes Naval Training Center, Illinois, and of the total dollar amount of the contracts awarded for fiscal year 1987 for refuse systems and related services by such training center, not more than 30 percent of each such dollar amount may be under contracts awarded through so-called small business set-aside programs.".

(b) SMALL BUSINESS ACT.—(1) Section 15(o) of the Small Business Act (as added by section 921(c)(2) of the Defense Acquisition Improvement Act) is amended—

15 USC 644.

(A) by striking out "the concern" in paragraph (1)(A) and all that follows through "employees" and inserting in lieu thereof "at least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern"; and

(B) in paragraph (3)—

(i) by striking out "subparagraph" and inserting in lieu thereof "paragraph"; and

(ii) by adding at the end the following new sentence: "The percentage applicable to any such requirement shall be determined in accordance with paragraph (2).".

(2)(A) Paragraph (3) of section 3(a) of such Act (as added by section 921(f) of the Defense Acquisition Improvement Act) is amended by striking out "value of contracts to be awarded under such sections" and inserting in lieu thereof "dollar value of the contracts to be awarded in that industry category".

15 USC 632.

(B) Paragraph (4)(A)(i) of such section is amended by striking out "paragraph (3)(A)" and inserting in lieu thereof "paragraph (3)".

(C) Paragraph (5) of such section is amended by striking out "made with the expiration of 180 days after each" and inserting in lieu thereof "shall be made not later than 180 days after the end of each such".

(3) Paragraph (14) of section 8(a) of such Act (as added by section 921(c)(1) of the Defense Aquisition Improvement Act) is amended by striking out "section 15(n)" in subparagraphs (B) and (C) and inserting in lieu thereof "section 15(o)".

15 USC 637.

SEC. 11. OTHER TECHNICAL AMENDMENTS

(a) CROSS-REFERENCE CORRECTIONS.—(1) Section 1243(a) of the Defense Procurement Reform Act of 1984 (title XII of Public Law 98-525; 98 Stat. 2609) is amended by striking out "section 139a(a)" and inserting in lieu thereof "section 2430".

10 USC 2432 note. 10 USC 139a note. 10 USC 2431 note.

(2) Section 915(d) of the Defense Procurement Improvement Act of 1985 (title IX of Public Law 99-145; 99 Stat. 688) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2430".

10 USC 139 note.

(b) PUBLIC LAW 99-433.—Section 523(c)(1) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (100 Stat. 1063) by striking out "section" and inserting in lieu thereof "sections". 101 STAT. 289

10 USC 3033 note.

SEC. 12. EFFECTIVE DATES

(a) PUBLIC LAW 99-661.—The amendments made by section 3 shall apply as if included in Public Law 99-661 when enacted on November 14, 1986.

10 USC 774 note.
100 Stat. 3816.

(b) PUBLIC LAWS 99-500 AND 99-591.—The amendments made by section 4 shall apply as if included in Public Laws 99-500 and 99-591 when enacted on October 18, 1986, and October 30, 1986, respectively.

10 USC 1466 note.
100 Stat. 1783, 3341.

(c) DEFENSE ACQUISITION IMPROVEMENT ACT.—The amendments made by sections 5 and 10 shall apply as if included in each instance of the Defense Acquisition Improvement Act (as specified in section 2) when each was enacted.

15 USC 632 note.
100 Stat. 1783-130, 3341-130, 3910.

(d) TECHNICAL DATA.—(1) The amendments to section 2321 of title 10, United States Code, made by section 7(a)(5) shall apply to contracts for which solicitations are issued after the end of the 210-day period beginning on October 18, 1986.

Contracts.
10 USC 2321 note.

(2) The amendment to section 2328 of such title made by section 7(a)(7)(A)(i)(II) shall take effect on the same date and in the same manner as provided in section 1804(b) of Public Law 99-570 for the amendment made by section 1803 of that Public Law to section 552a of title 5, United States Code.

10 USC 2328 note.
100 Stat. 3207-50.
100 Stat. 3207-49.

Approved April 21, 1987.

LEGISLATIVE HISTORY—H.R. 1783:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 31, considered and passed House.
Apr. 8, considered and passed Senate.

Public Law 100-178
100th Congress

101 STAT. 1009

An Act

To authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Dec. 2, 1987
[H.R. 2112]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1988".

Intelligence Authorization Act, Fiscal Year 1988.

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Government organization and employees.

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1988 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. (a)(1) This Act authorizes funds for intelligence and intelligence-related activities of the United States Government for fiscal year 1988 based upon two alternative levels of new budget authority provided for national defense functions (budget function 050) through congressional budget procedures. In section 3(b)(1) of the concurrent resolution on the budget for fiscal year 1988 (House Concurrent Resolution 93 of the One Hundredth Congress), Congress determined and declared that the appropriate level of new budget authority for national defense for fiscal year 1988 is $296,000,000,000. This Act authorizes funds based upon that determination and declaration and the assumption that that level of budget authority is available to be appropriated.

(2) Section 5(a)(1) of the concurrent resolution reserved $7,000,000,000 of that amount from availability for appropriation pending enactment of certain deficit reduction legislation, leaving a level of $289,000,000,000 immediately available for appropriation. This Act authorizes alternative levels of funds based upon that budget authority amount.

101 STAT. 1010

(b) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1988, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the column entitled "Conference Agreement" of the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 2112 of the One Hundredth Congress except that, if as of the date of the enactment of this Act there has not been enacted legislation that results in the availability for appropriation of a level of new budget authority for national defense functions of the Government (budget function 050) for fiscal year 1988 in an amount greater than $289,000,000,000 then until such legislation is enacted such amounts and ceilings are those specified in the column entitled "Contingent Level" of such classified Schedule of Authorizations: *Provided*, That notwithstanding the requirements of section 502(a)(1) of the National Security Act of 1947, funds for the activities listed in that part of such Schedule entitled "Unauthorized Appropriations" may be obligated and expended only to the extent to which funds are appropriated therefore in fiscal year 1988.

(c) The Schedule of Authorizations described in subsection (b) shall be made available to the Commmittee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

President of U.S.

(d)(1) It is the sense of Congress that, in allocating reductions of nonheadquarters personnel of Defense Agencies pursuant to subsection (b)(2)(A) and subsection (d) of section 601 of Public Law 99-433 (100 Stat. 1065), the Secretary of Defense should avoid allocating personnel reductions to the Defense Intelligence Agency or the Defense Mapping Agency.

(2) For purposes of paragraph (1), the term "nonheadquarters personnel" means members of the Armed Forces and Civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities.

PERSONNEL CEILING ADJUSTMENTS

SEC. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1988 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1988 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to section 101(a)(1) of the Act making continuing appropriations for the fiscal year 1988 (Public Law 100-120), or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1988 the sum of $23,614,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized 237 full-time personnel as of September 30, 1988. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1988, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1988, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1988, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

101 STAT. 1012

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1988 the sum of $134,700,000.

TITLE IV—RETIREMENT AND DEATH IN SERVICE BENEFITS

RETIREMENT BENEFITS

SEC. 401. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end the following section:

"RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES

50 USC 403 note.

"SEC. 225. (a) Any individual who was a former spouse of a participant or a former participant on November 15, 1982, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 per centum of the benefits of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 per centum of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if—

"(1) the former spouse remarries before age fifty-five; or

"(2) the former spouse is less than fifty years of age.

"(c)(1) The entitlement of a former spouse to benefits under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service benefits are based becomes entitled to benefits under this title;

"(ii) the first day of the month in which the divorce or annulment involved becomes final; or

"(iii) such former spouse's fiftieth birthday; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before fifty-five years of age; or

"(ii) the date the benefits of the participant terminate.

"(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

"(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this title (other than disability annuity) or the date the disability annuity begins, whichever is later; and

"(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

101 STAT. 1013

"(3) Benefits under this section shall be treated the same as an annuity under section 222(a)(6) for purposes of section 221(g)(2) or any comparable provision of law.

"(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, within thirty months after the effective date of this section. The Director may waive the thirty-month application requirement under this subparagraph in any case in which the Director determines that the circumstances so warrant.

"(B) Upon approval of an application as provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

"(d) The Director shall—

"(1) as soon as possible, but not later than sixty days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and Regulations.

"(2) to the maximum extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or a former participant on November 15, 1982, of any rights which such individual may have under this section.

"(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this title.".

(b) Section 14(a) of the Central Intelligence Agency Act of 1949 is amended by inserting "225," after "223, 224,". 50 USC 403n.

DEATH IN SERVICE BENEFITS

SEC. 402. (a) Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 40(b) note) is amended— 50 USC 403 note.

(1) by inserting "(1)" before "If a participant";

(2) by striking all that follows "as defined in section 204," and inserting in lieu thereof "or by a former spouse qualifying for a survivor annuity under section 222(b), such widow or widower shall be entitled, to the extent of available appropriations, to an annuity equal to 55 per centum of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled, to the extent of available appropriations, to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this Act. The annuity of such widow, widower, or former spouse shall commence on the date following death of the participant and shall terminate upon death or remarriage prior to attaining age sixty of the widow, widower, or former spouse (subject to the payment and restoration provisions of sections 221(g) and 222(b)(3))."; and

(3) by adding at the end the following new paragraphs:

"(2) The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 per centum of the participant's average basic salary, or (B) the sum obtained under such section after increasing the participant's service of the type last performed by the difference between the participant's age at the time of death and age sixty. 101 STAT. 1014

"(3) Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a widow or widower under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B).".

(b)(1) Section 221(o)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by inserting "232(b)," after "222, 223,". 50 USC 403 note.

(2) Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended— 50 USC 403 note.

(A) in subsection (b) by inserting "and (3)" after "subsection (c)(2)"; and

(B) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) a new paragraph as follows:

"(3) Section 232(b).".

(3) Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403n(a)) is amended by inserting "232(b)," before "234(c), 234(d),".

Effective date. 50 USC 403 note.

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on November 15, 1982, the effective date of the Central Intelligence Agency Spouses' Retirement Equity Act of 1982.

Effective date.

(2) The amendment made by subsection (b)(2) shall take effect on January 1, 1987, the effective date of the Federal Employees' Retirement System Act of 1986.

50 USC 403 note.

(d) Nothing in this section or any amendment made by this section shall be construed to require the forfeiture by any individual of benefits received before the date of the enactment of this Act.

50 USC 403 note.

(e) Nothing in this section or any amendment made by this section shall be construed to require a reduction in the level of benefits received by any individual who was receiving benefits under section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before the date of enactment of this Act.

TITLE V—ENHANCED COUNTERINTELLIGENCE AND SECURITY CAPABILITIES

REPORT ON ADMISSION OF CERTAIN ALIENS

International organizations. 22 USC 254c-2.

SEC. 501. The Attorney General shall report annually to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence regarding the circumstances of any admission to the United States over the objections of the Federal Bureau of Investigation, of any Soviet national employed by or assigned to a foreign mission or international organization in the

101 STAT. 1015

United States.

FBI NEW YORK FIELD DIVISION EMPLOYMENT PLAN

SEC. 502. (a) The Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall conduct a study to ascertain the effect on recruitment, retention and operations of employees of the New York Field Division of the Federal Bureau of Investigation caused by the usual living expenses associated with such employment.

Reports.

(b) No later than sixty days after the enactment of this Act, the Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall submit to the Congress a report setting forth the results of the study described in subsection (a) and a plan for remedying problems identified by the study, including, as appropriate, additional compensation or other means of defraying the costs of employment in the New York Field Division.

TITLE VI—DEFENSE INTELLIGENCE PERSONNEL IMPROVEMENTS

DIA CIVILIAN UNIFORM ALLOWANCE

SEC. 601. (a) COMPARABILITY WITH STATE DEPARTMENT EMPLOYEES.—Chapter 83 of title 10, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1606. Uniform allowance: civilian employees 10 USC 1606.

"(a) The Secretary of Defense may pay an allowance under this section to any civilian employee of the Defense Intelligence Agency who—

"(1) is assigned to a Defense Attaché Office outside the United States; and

"(2) is required by regulation to wear a prescribed uniform in performance of official duties.

"(b) Notwithstanding section 5901(a) of title 5, the amount of any such allowance shall be the greater of the following:

"(1) The amount provided for employees of the Department of State assigned to positions outside the United States and required by regulation to wear a prescribed uniform in performance of official duties.

"(2) $360 per year.

"(c) An allowance paid under this section shall be treated in the same manner as is provided in subsection (c) of section 5901 of title 5 for an allowance paid under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1606. Uniform allowance: civilian employees.".

EXTENSION OF SPECIAL TERMINATION AUTHORITY FOR CERTAIN DOD INTELLIGENCE EMPLOYEES

SEC. 602. (a) DEFENSE INTELLIGENCE AGENCY.—Section 1604(e)(1) of title 10, United States Code, is amended by striking out "during fiscal years 1986 and 1987" and inserting in lieu thereof "during fiscal years 1988 and 1989". 101 STAT. 1016

(b) MILITARY DEPARTMENTS.—Section 1590(e)(1) of such title is amended by striking out "during fiscal year 1987" and inserting in lieu thereof "during fiscal years 1988 and 1989".

REQUIREMENTS TO DISCLOSE ORGANIZATIONAL AND PERSONAL DATA: DIA EXEMPTION

SEC. 603. (a) Chapter 83 of title 10, United States Code, is amended by inserting the following new section:

"§ 1607. Exemption from disclosing organizational and personal data 10 USC 1607.

"Notwithstanding the provisions of any other law, and except as provided herein and as required by section 552 or section 552a of title 5, United States Code, the Defense Intelligence Agency shall not be required to disclose the organization or any function of the Defense Intelligence Agency or the names, official titles, occupational series, grades, salaries or numbers of personnel employed by such Agency. This section shall not apply to information provided the Congress.".

TITLE VII—STUDY OF INTELLIGENCE PERSONNEL SYSTEMS

SEC. 701. (a) The Director of Central Intelligence shall undertake to contract with the National Academy of Public Administration (hereinafter referred to as the Academy) for an objective study which shall be classified and which shall consist of a comprehensive review and comparative analysis of all personnel management and compensation systems affecting civilian personnel of agencies and entities of the intelligence community. Classified information. 50 USC 403 note.

(b) In conducting the study described in subsection (a), the Academy shall determine the adequacy of existing personnel systems to further the ability of intelligence agencies or entities to perform their missions, and make such recommendations for legislative, regulative or other changes as the Academy determines advisable.

Reports.

(c) The study described in subsection (a) shall be completed in final form no later than January 20, 1989, and such study, and any interim report of such study, shall be transmitted upon receipt by the Director of Central Intelligence to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) Of the amount available to the Intelligence Community Staff for fiscal year 1988 under section 201, not more than $500,000 shall be available for the study described in subsection (a).

(e) The Director of Central Intelligence, the Director of the Intelligence Community Staff, and the heads of the elements of the intelligence community shall provide such support and appropriate access to necessary information as the Academy may require to complete the study described in subsection (a).

TITLE VIII—GENERAL PROVISIONS

RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 801. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

101 STAT. 1017

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 802. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE IX—MOUNT ALTO EMBASSY SITE

ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY

Communications and telecommunications. Reports.

SEC. 901. (a) REVIEW AND ASSESSMENT.—The Secretary of Defense shall review and assess the present and potential capabilities of the Government of the Soviet Union to intercept United States communications involving diplomatic, military, and intelligence matters from facilities on Mount Alto in the District of Columbia. The Secretary shall submit to Congress a report on such review and assessment not later than ninety days after the date of the enactment of this Act.

(b) DETERMINATION OF CONSISTENCY WITH NATIONAL SECURITY.—The report required by subsection (a) shall include a determination by the Secretary of Defense as to whether or not the present and proposed occupation of facilities on Mount Alto by the Government of the Soviet Union is consistent with the national security of the United States.

(c) CLASSIFICATION OF REPORT.—The report required by subsection (a) shall be submitted in both classified and unclassified form, and the determination required by subsection (b) shall be submitted in an unclassified form.

(d) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the duty to make the determination required by subsection (b).

Approved December 2, 1987.

LEGISLATIVE HISTORY—H.R. 2112 (S. 1243):

HOUSE REPORTS: No. 100-93, Pt. 1 (Permanent Select Comm. on Intelligence) and Pt. 2 (Comm. on Armed Services) and No. 100-432 (Comm. of Conference).
SENATE REPORTS: No. 100-59 (Select Comm. on Intelligence) and No. 100-117 (Comm. on Armed Services), both accompanying S. 1243.
CONGRESSIONAL RECORD, Vol. 133 (1987):
June 9, considered and passed House.
July 23, considered and passed Senate, amended, in lieu of S. 1243.
Nov. 17, House agreed to conference report.
Nov. 18, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Dec. 2, Presidential statement.

Public Law 100-180
100th Congress

101 STAT. 1019

An Act

To authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Dec. 4, 1987
[H.R. 1748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Years 1988 and 1989.

SECTION 1. SHORT TITLE

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1988 and 1989".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS

This Act is divided into three divisions as follows:
(1) Division A—Department of Defense Authorizations.
(2) Division B—Military Construction Authorizations.
(3) Division C—Other National Defense Authorizations.

SEC. 3. ALTERNATIVE AUTHORIZATION LEVELS FOR FISCAL YEAR 1988

(a) GENERAL EXPLANATION.—(1) This Act authorizes funds for national defense functions of the Government (budget function 050) for fiscal year 1988 based upon two alternative levels of new budget authority provided for those functions through congressional budget procedures. In section 3(b)(1) of the concurrent resolution on the budget for fiscal year 1988 (House Concurrent Resolution 93 of the One Hundredth Congress), Congress determined and declared that the appropriate level of new budget authority for national defense for fiscal year 1988 is $296,000,000,000. This Act authorizes funds

based upon that determination and declaration and the assumption that that level of budget authority is available to be appropriated.

(2) Section 5(a)(1) of the concurrent resolution reserved $7,000,000,000 of that amount for subsequent allocation upon enactment of a reconciliation bill, leaving a level of $289,000,000,000 immediately available for appropriation. This Act authorizes alternative levels of funds based upon that budget authority amount.

(b) PRESENTATION OF ALTERNATIVE LEVELS.—Whenever a dollar amount specified in this Act is to be provided in a different amount based upon which level of new budget authority described in subsection (a) is applicable, two different dollar amounts are shown, the second being set forth in parentheses immediately after the first. The first amount is based upon the budget authority level of $296,000,000,000; the second (in parentheses) is based upon the budget authority level of $289,000,000,000.

(c) RULE FOR DETERMINATION.—The dollar amounts specified in this Act that are to be effective are those based upon the budget authority level of $296,000,000,000. However, if as of the date of the enactment of this Act there has not been enacted a reconciliation bill or other legislation that results in the availability of a level of
101 STAT. 1020 new budget authority for national defense functions of the Government (budget function 050) for fiscal year 1988 in any amount greater than $289,000,000,000, then until such legislation is enacted the dollar amounts specified in this Act that are to be effective are those based upon the budget authority level of $289,000,000,000.

SEC. 4. COMPLIANCE WITH BUDGET RESOLUTION

Amounts appropriated pursuant to authorizations of appropriations in this Act for fiscal year 1988—

(1) may not exceed an aggregate amount of $295,943,600,000 ($288,943,600,000); and

(2) may not exceed such aggregate amount as results in new outlays during fiscal year 1988 that are attributable to authorizations contained in this Act for national defense functions of the Government (budget function 050) in an aggregate amount of $172,948,400,000 ($167,048,500,000).

SEC. 5. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEAR 1989

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(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:

(1) $2,864,667,000 ($2,786,582,000) for fiscal year 1988.

(2) $2,422,642,000 for fiscal year 1989.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:

(1) $2,425,875,000 ($2,355,875,000) for fiscal year 1988.

(2) $2,231,368,000 for fiscal year 1989.

(c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:

(1) $3,435,137,000 for fiscal year 1988.

(2) $1,846,250,000 for fiscal year 1989.

(d) AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Army as follows:

(1) $2,397,938,000 ($2,215,638,000) for fiscal year 1988.

(2) $2,104,649 for fiscal year 1989.

(e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Army as follows:

(1) $5,494,504,000 ($5,478,204,000) for fiscal year 1988 as follows:

For tactical and support vehicles, $942,560,000.

For communications and electronics equipment, $3,353,166,000 ($3,345,166,000).

For other support equipment, $1,183,478,000.

(2) $2,794,389,000 for fiscal year 1989.

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SEC. 102. NAVY AND MARINE CORPS

(a) AIRCRAFT.—(1) Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:

(A) $9,604,987,000 ($8,610,118,000) for fiscal year 1988.

(B) $5,591,525,000 for fiscal year 1989.

(2) Of the funds appropriated or otherwise made available for procurement of aircraft for the Navy for fiscal year 1988:

(A) $5,387,322,000 ($4,956,739,000) is available only for combat aircraft programs as follows:

For the A-6E program, $376,610,000 ($0).

For the EA-6B program, $521,571,000.

For the F-14A/D program, $873,848,000.

For the FA-18 program, $2,580,222,000.

For the SH-60B program, $197,614,000 ($143,641,000).

For the SH-60F program, $329,961,000.

For the long-range air ASW capable aircraft program, $80,200,000.

For the E-2C program, $427,296,000.

(B) $833,193,000 ($800,493,000) is available only for modification of aircraft programs as follows:

For the A-6 series, $219,651,000.

For the H-2 series, $45,108,000.

For the P-3 series, $172,865,000.

For the S-3 series, $142,522,000.

For the ES-3 series, $115,200,000.

For the E2 series, $71,139,000 ($38,439,000).

For common electronic countermeasures (ECM) equipment, $66,708,000.

(b) WEAPONS.—(1) Funds are hereby authorized to be appropriated for fiscal year 1988 in the total amount of $5,989,023,000 ($5,857,023,000) for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

(A) For missile programs, $5,372,891,000 ($5,240,891,000).

(B)(i) For torpedo programs, $462,864,000, as follows:

For the MK-48 torpedo program, $243,444,000.

For the MK-50 Advanced Lightweight Torpedo program, $108,402,000.

For the MK-30 mobile target program, $31,495,000.

For the antisubmarine rocket (ASROC) program, $9,522,000.

For the modification of torpedoes and related equipment, $16,015,000.

For the torpedo support equipment program, $33,348,000.

For the antisubmarine warfare range support program, $20,638,000.

(ii) The sum of the amounts authorized for torpedo programs under this subparagraph is reduced by $78,000,000 in order to meet the total amount authorized to be appropriated set forth at the beginning of this subparagraph.

(C) For other weapons, $101,540,000, of which $28,023,000 is for the MK-15 close-in weapon system program.

(D) For spares and repair parts, $129,728,000.

(2) Funds are hereby authorized to be appropriated for fiscal year 1989 in the amount of $3,261,068,000 for procurement of weapons (including missiles and torpedoes) for the Navy.

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(c) SHIPBUILDING AND CONVERSION.—(1) Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:

(A) $9,530,427,000 for fiscal year 1988.

(B) $8,529,700,000 for fiscal year 1989.

(2) Amounts authorized under paragraph (1) are available for shipbuilding and conversion programs as follows:

For the Trident submarine program, $1,290,800,000 for fiscal year 1988 and $1,398,300,000 for fiscal year 1989.

For the CVN aircraft carrier program, $644,000,000 for fiscal year 1988 and $797,000,000 for fiscal year 1989.

For the SSN-688 nuclear attack submarine program, $1,676,900,000 for fiscal year 1988 and $1,527,800,000 for fiscal year 1989.

For the SSN-21 nuclear attack submarine program, $257,600,000 for fiscal year 1988.

For the aircraft carrier service life extension program (SLEP), $729,755,000 for fiscal year 1988.

For the CG-47 Aegis cruiser program, $3,328,900,000 for fiscal year 1988 and $825,000,000 for fiscal year 1989.

For the DDG-51 guided missile destroyer program, $5,500,000 for fiscal year 1988 and $2,929,100,000 for fiscal year 1989.

For the LHD-1 amphibious assault ship program, $752,900,000 for fiscal year 1988 and $741,100,000 for fiscal year 1989.

For the LSD-41 cargo variant program, $324,200,000 for fiscal year 1988.

For the TAO-187 fleet oiler program, $279,100,000 for fiscal year 1988 and $256,400,000 for fiscal year 1989.

For the strategic sealift program, $43,400,000 for fiscal year 1988.

For the TAGOS-SWATH Ocean Surveillance Ship program, $96,500,000 for fiscal year 1988.

For the AO (Jumbo) conversion program, $44,100,000 for fiscal year 1988.

For the landing craft, air cushion program, $33,700,000 for fiscal year 1988.

For the TACS auxiliary crane ship program, $53,100,000 for fiscal year 1988 and $55,000,000 for fiscal year 1989.

For service craft, $12,500,000 for fiscal year 1988.

For outfitting and post delivery, $328,800,000 for fiscal year 1988.

The sum of the amounts authorized for programs under this subsection for fiscal year 1988 is reduced by $371,328,000 in order to meet the total amount authorized to be appropriated for that fiscal year in paragraph (1).

(3) There are hereby authorized to be transferred to shipbuilding and conversion programs for the Navy for fiscal year 1988 pursuant to the authorizations of appropriations in paragraph (1), to the

extent provided in appropriation Acts and without extension of the period of the availability of such amounts for obligation, amounts appropriated for fiscal years before fiscal year 1988 for shipbuilding and conversion for the Navy and remaining available for obligation in the total amount of $371,328,000 as follows:

From the Trident submarine program for fiscal year 1984, $58,879,000.

From the Trident submarine program for fiscal year 1985, $19,383,000.

From the Trident submarine program for fiscal year 1987, $68,060,000.

From the TAK cargo ship program for fiscal year 1984, $784,000.

From the SSN-688 attack submarine program for fiscal year 1987, $30,000,000.

From the aircraft carrier service life extension program for fiscal year 1985, $48,000,000.

From the battleship reactivation program for fiscal year 1984, $5,000,000.

From the CG-47 Aegis carrier program for fiscal year 1984, $6,500,000.

From the CG-47 Aegis carrier program for fiscal year 1987, $52,400,000.

From the LSD-41 amphibious assault ship program for fiscal year 1985, $4,000,000.

From the LSD-41 amphibious assault ship program for fiscal year 1986, $1,300,000.

From the LHD-1 amphibious assault ship program for fiscal year 1986, $3,100,000.

From the TAO fleet oiler program for fiscal year 1984, $5,943,000.

From the AOE fast combat support ship program for fiscal year 1987, $1,900,000.

From the TAKR program for fiscal year 1984, $1,596,000.

From the TACS crane ship conversion program for fiscal year 1985, $2,009,000.

From the TACS crane ship conversion program for fiscal year 1987, $7,703,000.

From the service craft program for fiscal year 1984, $10,397,000.

From the service craft program for fiscal year 1986, $5,100,000.

From the service craft program for fiscal year 1987, $13,900,000.

From the landing craft program for fiscal year 1987, $19,000,000.

From outfitting and post delivery for fiscal year 1984, $6,374,000.

(d) OTHER PROCUREMENT, NAVY.—(1) Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:

(A) $5,321,592,000 ($5,207,103,000) for fiscal year 1988.

(B) $1,082,048,000 for fiscal year 1989.

(2) Amounts appropriated pursuant to paragraph (1) for fiscal year 1988 shall be available as follows:

For the ship support equipment program, $869,716,000.

For the communications and electronics equipment program, $1,809,417,000.

For aviation support equipment, $815,315,000 ($734,815,000).

For the ordnance support equipment program, $894,542,000.

For programs for civil engineering support equipment, supply support equipment, and personnel/command support equipment, a total of $623,776,000 ($589,787,000).

For spares and repair parts, $308,826,000.

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(3) There are hereby authorized to be transferred to other procurement programs for the Navy for fiscal year 1988 pursuant to the authorizations of appropriations in paragraph (1), to the extent provided in appropriation Acts and without extension of obligational availability, amounts appropriated for fiscal years before fiscal year 1988 for other procurement for the Navy and remaining available for obligation in the total amount of $36,541,000 as follows:

From the electronically suspended gyro navigation program for fiscal year 1986, $1,410,000.

From the vertical launch system (surface) program for fiscal year 1986, $907,000.

From the quick strike program for fiscal year 1986, $1,851,000.

From the amphibious equipment program for fiscal year 1986, $864,000.

From the production support facility program for fiscal year 1987, $11,095,000.

From the crush/MIX/patch/pave equipment program for fiscal year 1987, $1,225,000.

From the drill/blast equipment program for fiscal year 1987, $109,000.

From the miscellaneous construction/maintenance equipment program for fiscal year 1987, $2,085,000.

From the weight handling equipment program for fiscal year 1987, $2,113,000.

From the computer acquisition program for fiscal year 1987, $14,882,000.

(4) Of the amounts appropriated pursuant to paragraph (1) for fiscal year 1989, $89,064,000 shall be available for the communications and electronics equipment program.

(e) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for procurement (including missiles, tracked combat vehicles, and other weapons) for the Marine Corps in amounts as follows:

(1) $1,333,575,000 ($1,330,546,000) for fiscal year 1988.

(2) $451,415,000 for fiscal year 1989.

SEC. 103. AIR FORCE

Funds are hereby authorized to be appropriated for procurement for the Air Force as follows:

(1) For aircraft:

(A) $13,224,331,000 ($12,689,331,000) for fiscal year 1988.

(B) $7,577,436,000 for fiscal year 1989.

(2) For missiles:

(A) $7,513,544,000 ($7,229,862,000) for fiscal year 1988.

(B) $2,214,719,000 for fiscal year 1989.

(3) For other procurement for fiscal year 1988, $8,422,866,000 ($8,243,504,000), of which—

(A) $687,647,000 ($656,347,000) is for munitions and associated support equipment;

(B) $239,074,000 is for vehicular equipment;

(C) $2,190,221,000 ($2,071,559,000) is for electronics and telecommunications equipment; and

(D) $5,316,924,000 ($5,287,524,000) is for other base maintenance and support equipment.

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(4) For other procurement, $2,742,725,000 for fiscal year 1989, of which—

(A) $627,006,000 is for munitions and associated support equipment;

(B) $219,198,000 is for vehicle equipment;

(C) $1,314,782,000 is for electronics and communications; and

(D) $581,739,000 is for other base maintenance and support equipment.

SEC. 104. DEFENSE AGENCIES

Funds are hereby authorized to be appropriated for fiscal year 1988 for the Defense Agencies in the amount of $1,293,312,000 ($1,288,371,000).

SEC. 105. RESERVE COMPONENTS

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1988 for procurement of aircraft, vehicles, communications equipment, and other miscellaneous equipment for the reserve components of the Armed Forces as follows:

For the Army National Guard, $125,000,000 ($60,000,000).
For the Air National Guard, $258,000,000.
For the Army Reserve, $90,000,000.
For the Air Force Reserve, $165,000,000.
For the Navy Reserve, $25,000,000.
For the Marine Corps Reserve, $40,000,000.

(b) AUTHORIZATIONS IN ADDITION TO OTHER AMOUNTS.—The authorizations of appropriations contained in subsection (a) are in addition to any other amount authorized to be appropriated by this or any other Act.

SEC. 106. MILESTONE AUTHORIZATIONS FOR PROCUREMENT PROGRAMS

(a) MOBILE SUBSCRIBER EQUIPMENT.—(1) Of the amounts appropriated for other procurement for the Army for fiscal years 1988 and 1989 for communications and electronic equipment, $1,019,800,000 of the amount appropriated for fiscal year 1988 and $995,700,000 of the amount appropriated for fiscal year 1989 may be obligated only for the Mobile Subscriber Equipment program.

(2) Funds are hereby authorized to be appropriated for other procurement for the Army for the Mobile Subscriber Equipment program as follows:

(A) $976,200,000 for fiscal year 1990.
(B) $360,000,000 for fiscal year 1991.

(b) ARMY TACTICAL MISSILE SYSTEM.—(1) Of the amounts appropriated for procurement of missiles for the Army for fiscal years 1988 and 1989, $16,925,000 of the amount appropriated for fiscal year 1988 and $81,300,000 of the amount appropriated for fiscal year 1989 may be obligated only for the Army Tactical Missile System.

(2) Funds are hereby authorized to be appropriated for procurement of missiles for the Army for the Army Tactical Missile System as follows:

(A) $158,200,000 for fiscal year 1990.
(B) $209,000,000 for fiscal year 1991.
(C) $88,200,000 for fiscal year 1992.

(c) TRIDENT II MISSILE.—(1) Of the amounts appropriated for procurement of weapons for the Navy for fiscal years 1988 and 1989, $2,251,331,000 of the amount appropriated for fiscal year 1988 and $2,227,100,000 of the amount appropriated for fiscal year 1989 may 101 STAT. 1035
be obligated only for the Trident II missile program. In achieving any undistributed reduction required to be made in programs, projects, or activities for which funds have been appropriated to the Department of Defense for fiscal year 1988, no reduction may be made in the amount of funds available for the Trident II missile program.

(2) Funds are hereby authorized to be appropriated for procurement of weapons for the Navy for the Trident II missile as follows:

(A) $2,215,000,000 for fiscal year 1990.
(B) $2,090,500,000 for fiscal year 1991.
(C) $1,977,000,000 for fiscal year 1992.

(d) T-45 TRAINING SYSTEM.—(1) Of the amounts appropriated for procurement of aircraft for the Navy for fiscal years 1988 and 1989 $358,210,000 of the amount appropriated for fiscal year 1988 and $403,466,000 of the amount appropriated for fiscal year 1989 may be obligated only for the T-45 Training System.

(2) Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy for the T-45 Training System as follows:

(A) $437,700,000 for fiscal year 1990.
(B) $596,300,000 for fiscal year 1991.
(C) $652,300,000 for fiscal year 1992.

(e) APPLICATION OF SECTION 2437 OF TITLE 10.—Programs referred to in subsections (a) through (d) are defense enterprise programs for the purpose of section 2437 of title 10, United States Code.

SEC. 107. AUTHORIZATION OF FUNDS FOR CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1988 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of $125,100,000, of which—

(1) $94,100,000 shall be for operation and maintenance;
(2) $11,500,000 shall be for research, development, test and evaluation; and
(3) $19,500,000 shall be for procurement.

SEC. 108. AUTHORIZED MULTIYEAR CONTRACTS

(a) ARMY.—Subject to subsection (d)(1), the Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for procurement of the following:

(1) High-Mobility Multipurpose Wheeled Vehicle program.
(2) AN/ALQ-136 jammer.
(3) TOW 2 Missile (for the Army and Marine Corps).

(b) NAVY.—(1) Subject to subsection (d)(2), the Secretary of the Navy may enter into a multiyear contract under section 2306(h) of title 10, United States Code, for the Hawk Missile System.

(2) If by January 1, 1988, legislation described in section 3(c) has not been enacted, the Secretary of the Navy shall enter into a five-year multiyear contract under section 2306(h) of title 10, United States Code, for procurement of 420 FA-18 aircraft.

(c) AIR FORCE.—Subject to subsection (d)(1), the Secretary of the Air Force may enter into a multiyear contract under section 2306(h) of title 10, United States Code, for the Defense Meteorological Satellite Program.

101 STAT. 1036

(d) CONDITIONS.—(1) A multiyear contract authorized by subsection (a), (b)(2), or (c) may not be entered into unless the anticipated cost over the period of the contract is no more than 88 percent of the anticipated cost of carrying out the same program through annual contracts.

(2) A multiyear contract authorized by subsection (b)(1) may not be entered into unless the anticipated cost over the period of the contract is no more than 88 percent of the average cost incurred for the same system procured with funds appropriated for fiscal year 1986 and fiscal year 1987. For purposes of this paragraph, the average cost for the system in those fiscal years may be increased by the average percentage inflation increase for missile procurement during those fiscal years.

SEC. 109. EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AWACS PROGRAM

Effective as of October 1, 1987, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1987" both places it appears and inserting in lieu thereof "fiscal years 1988 and 1989".

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

SEC. 111. ARMY PROGRAMS

(a) AHIP SCOUT HELICOPTER.—Funds appropriated or otherwise made available for fiscal year 1988 for advance procurement of AHIP aircraft may not be obligated unless the Secretary of Defense, based on operational test results, determines that the AHIP aircraft is the most cost-effective scout helicopter available to the Army and certifies that determination to the Committees on Armed Services of the Senate and House of Representatives.

(b) STINGER MISSILE.—Section 107(e) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3827) is repealed.

(c) RDX FACILITY.—The Secretary of the Army may award one or more contracts, in advance of appropriations therefor, for the design and construction of an RDX manufacturing plant if each such contract limits the amount of payments that the United States is obligated to make under such contract to the amount of appropriations available, at the time such contract is awarded, for obligation under such contract. Such design and construction may be accomplished by using one-step turn-key selection procedures, or other competitive contracting methods. Contracts.

(d) FORWARD AREA AIR DEFENSE HEAVY SYSTEM.—(1) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(2) For purposes of paragraph (1), the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking and engagement), reaction time, and operations in the presence of electronic countermeasures.

101 STAT. 1037

(3) The Secretary of the Army may not obligate funds for advance procurement of the system referred to in paragraph (1) until— Reports.

(A) the operational tests of the system are completed and the Secretary of Defense reports to the Committees on Armed Services of the Senate and the House of Representatives on the results of such testing and the evaluation of such testing;

(B) the Secretary of Defense certifies to those committees that the system satisfactorily demonstrates that it meets or exceeds all of the operational performance criteria established for the system;

(C) the Director of Operational Test and Evaluation of the Department of Defense submits to the Secretary of Defense and those committees a report giving the Director's evaluation of the results of such testing and evaluation; and

(D) the Comptroller General submits a report to those committees giving his assessment of the operational tests and the system performance.

(e) A-6 AIRCRAFT CONFIGURATION.—None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition Report submitted to Congress for the quarter ending December 31, 1986).

SEC. 112. NAVY PROVISIONS

(a) H-53 SUPER STALLION HELICOPTER AIRCRAFT.—(1) Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1988, $25,000,000 shall be available only for safety-related modifications of the H-53 series aircraft.

Reports.

(2) Of the amount appropriated for the Navy for fiscal year 1988 for the procurement of H-53 aircraft, not more than 30 percent of such funds may be obligated until the Secretary of the Navy submits to Congress a report containing the preliminary results of dynamic structural tests on the H-53 aircraft and the recommendations of the Secretary regarding the advisability of continuing procurement of such aircraft.

(3) The Secretary of the Navy may not accept delivery of any Super Stallion C/MH-53E helicopter contracted for using funds appropriated for a fiscal year after fiscal year 1987 unless the helicopter incorporates design changes to improve flight stability that are approved by the Secretary of the Navy based upon recommendations resulting from the flight stability deficiency correction program for such helicopter being carried out as of May 18, 1987.

(b) P-3 AIRCRAFT.—From funds appropriated or otherwise made available for procurement of aircraft for the Navy or for procurement for the reserve components for fiscal year 1988, the Secretary of the Navy may not obligate more than a total of $207,011,000 for—

(1) procurement of P-3C aircraft; and

(2) modifications to existing P-3 aircraft.

(c) LAND-BASED TANKERS.—Funds appropriated or otherwise made available for the Navy may not be obligated or expended for the purpose of acquiring or operating land-based tanker aircraft unless the Secretary of Defense certifies to Congress that the Department of the Air Force cannot support the requirements of the Navy for land-based tanker aircraft. For the purposes of this section, the KC-130T aircraft operated by the Marine Corps is not considered a land-based tanker aircraft.

101 STAT. 1038

(d) OBOGS SYSTEM.—Any aircraft procured under the F-14D aircraft program using funds made available for fiscal year 1988, and any aircraft procured under the FA-18 aircraft program using funds made available for fiscal year 1989, shall be configured to incorporate an On Board Oxygen Generating System (OBOGS).

(e) LEASE OR CHARTER OF NEW TANKERS.—Subject to section 2401 of title 10, United States Code, the Secretary of the Navy may enter into long-term leases and charters for military useful tanker vessels constructed in the United States.

SEC. 113. AIR FORCE PROVISIONS

(a) T-46 FUNDS.—(1) Funds appropriated for procurement of aircraft for the Air Force that were originally provided for the terminated T-46 program (as such funds are described in paragraph (2)) shall, to the extent provided in appropriation Acts, be made available for aircraft programs of the Navy as described in paragraph (3) and may not be used for any other purpose.

(2) Funds to be made available for the purposes described in paragraph (3) are as follows:

(A) $149,000,000 appropriated for fiscal year 1986.

(B) $151,000,000 appropriated for fiscal year 1987.

(3) Funds provided for Navy aircraft programs under this subsection shall be used as follows:

(A) $146,700,000 for procurement of EA6-B Prowler aircraft.

(B) $4,900,000 for advance procurement of EA-6B Prowler aircraft.

(C) $12,600,000 for EA-6B spares.

(D) $42,400,000 for A-6 aircraft modifications.

(E) $48,700,000 ($38,439,000) for E-2 aircraft modifications.

Contracts.

(4) Funds appropriated or otherwise made available for the Air Force for fiscal years 1986 and 1987 may not be obligated or expended for procurement of the T-46 aircraft (other than those aircraft under contract on the date of the enactment of this Act for lot one aircraft) or in connection with a competition for trainer aircraft.

(b) TRANSFER OF OTHER PROCUREMENT AIR FORCE FUNDS.—Of funds appropriated for other procurement for the Air Force for fiscal year 1987 that are available for the BDU-50 practice bomb, $8,000,000 shall, to the extent provided in appropriations Acts, be made available for other procurement for the Navy for fiscal year 1988 and shall be used only for procurement of BDU-45 practice bombs.

(c) PAVE TIGER SYSTEM.—The amount of $95,800,000 authorized for research, development, test, and evaluation for the Air Force for fiscal year 1985 for which funds were appropriated is hereby reauthorized for procurement of the PAVE Tiger System, and such funds may not be used for any other purpose.

(d) GROUND COLLISION AVOIDANCE SYSTEMS FOR TRANSPORT AIRCRAFT.—(1) Except as provided by paragraph (2), any transport aircraft purchased or modified using funds provided to the Department of Defense for fiscal year 1988 for procurement of aircraft shall, as acquired or modified, be equipped with ground collision avoidance systems.

(2) The limitation in paragraph (1) does not apply to the following cases:

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(A) The modification of aircraft for Special Operations Forces.

(B) The purchase or modification of aircraft already equipped with ground collision avoidance capabilities comparable or superior to those required under paragraph (1).

(C) The purchase or modification of aircraft undergoing modifications on the date of the enactment of this Act if, in a given case, the interruption of the modification schedule would result in either increased costs or production breaks.

(3) Not later than February 1, 1988, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the Secretary's plan for the purchase or modification of transport aircraft equipped with ground collision avoidance systems as required by paragraph (1). Reports.

(e) A-7 CLOSE AIR SUPPORT AIRCRAFT.—(1) Funds appropriated or otherwise made available to the Air Force for fiscal year 1988 for procurement of aircraft may not be obligated for the procurement of equipment, facilities, or services for the modification of A-7 aircraft under the A-7 Plus program in excess of $10,000,000 until—

(A) the Secretary of Defense certifies to Congress, in writing, that—

(i) obligation of funds for such procurement will not adversely affect full and open competition in the A-7 close air support program; and

(ii) the A-7 plus aircraft is the most cost-effective alternative for modernizing existing close air support and battlefield air interdiction assets of the Department of Defense and contributing to meeting the requirements relating to close air support and battlefield air interdiction established by the Secretary of Defense;

(B) the results of the vulnerability study required by the Secretary of Defense with respect to that aircraft demonstrate that the upgraded A-7 plus aircraft meets the vulnerability requirements for that aircraft established by the Secretary;

(C) the Secretary of Defense submits the report required by paragraph (2); and Reports.

(D) a period of 10 calendar days expires after the date on which that report is received.

(2) Not later than October 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a master plan for Reports.

meeting the requirements established by the Secretary relating to close air support and battlefield air interdiction. The master plan submitted—

(A) must have been approved by the Under Secretary of Defense for Acquisition; and

(B) shall specify the requirements with respect to equipment, costs, schedule, and acquisition strategy and the roles for active and reserve forces in each of the Armed Forces under the jurisdiction of the Secretary for meeting those requirements.

(f) T-37 MODIFICATION.—(1) Funds appropriated or otherwise made available to the Air Force for fiscal year 1988 for procurement of aircraft may not (except as provided under paragraph (3)) be obligated for the T-37 modification program until—

Reports.

(A) the Secretary of Defense submits the report required by paragraph (2); and

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(B) a period of 10 calendar days expires after the date on which that report is received.

Reports.

(2) Not later than February 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a master plan for meeting the requirements of the Air Force for undergraduate pilot training. The master plan submitted—

(A) must have been approved by the Under Secretary of Defense for Acquisition;

(B) shall specify the requirements with respect to equipment, costs, schedule, and acquisition strategy for meeting those requirements of the Air Force; and

(C) shall address the most cost-effective means for meeting those requirements, including the feasibility of joint service programs.

(3) The limitation in paragraph (1) does not apply with respect to the obligation of funds for a modification solely related to flight safety purposes, but such funds may not be obligated for such a modification until the Secretary of Defense submits a certification in writing to the committees named in paragraph (2) that the modification for which the funds are to be obligated is a modification solely related to flight safety purposes.

PART C—MISCELLANEOUS PROVISIONS

SEC. 121. ADVANCED TECHNOLOGY BOMBER PROGRAM

(a) ESTABLISHMENT OF COST, PERFORMANCE, AND MANAGEMENT INITIATIVE.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish an initiative for maintaining cost discipline, contractor performance discipline, and management discipline within the Advanced Technology Bomber program.

(b) REQUIRED ELEMENTS OF INITIATIVE.—The initiative under subsection (a) shall include the following elements:

(1) The creation of a management plan for the program under which decisions to commit to specified levels of production are linked to progress in meeting specified program milestones, including testing milestones.

(2) The creation of a program for promoting greater interaction on management and performance issues between the prime contractor and major program subcontractors.

(3) The establishment of a senior management review group to report directly to the Under Secretary of Defense for Acquisition on the status of aircraft capability, program management, schedule, and cost.

(4) The use of competition on an ongoing basis.

(c) REPORT ON INITIATIVE.—Not later than April 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the initiative required by subsection (a). The report shall include a description of the measures taken to that time to implement the initiative, including actions taken with respect to each of the elements specified in subsection (b), and a description of the criteria and milestones to be used in evaluating actual program performance against specified program performance.

101 STAT. 1041

(d) RESTRICTION ON FUNDS.—(1) The Secretary of the Air Force shall transfer to the Under Secretary of Defense for Acquisition an amount specified by the Under Secretary not to exceed $10,000,000 to be available only for the purposes of subsection (a). Such amount shall be derived from funds provided for procurement of aircraft for the Air Force for fiscal year 1988.

(2) If the initiative required by subsection (a) is not implemented by October 1, 1988, funds may not be obligated after that date for the Advanced Technology Bomber program until the initiative is implemented.

(e) REPORT ON IOC CAPABILITIES.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the expected capabilities of the Advanced Technology Bomber when it achieves initial operational capability. The report shall be prepared in consultation with the Under Secretary of Defense for Acquisition.

(2) The report shall include a description of—

(A) the performance of the aircraft and its subsystems;

(B) expected mission capability;

(C) required maintenance and logistical standards;

(D) expected levels of crew training and performance; and

(E) product improvements that are planned before the initial operational capability of the aircraft to be made after the initial operational capability of the aircraft.

SEC. 122. REPORT ON CONDITION OF CERTAIN C-130 AIRCRAFT

(a) INSPECTION.—The Secretary of the Air Force shall inspect the eight C-130H aircraft stored since 1974 at Air Force Plant No. 6 in Marietta, Georgia, in order to determine the current condition of such aircraft and the work required to return such aircraft to operating status. Georgia.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the inspection under subsection (a). The report shall include the Secretary's estimate of the amount it would cost to put such aircraft in useful service for the Air National Guard. The report shall be submitted not later than 60 days after the date of the enactment of this Act.

SEC. 123. BRADLEY FIGHTING VEHICLE

(a) LIMITATION OF FUNDS AND PLAN TO IMPROVE SURVIVABILITY AND OPERATIONAL PERFORMANCE.—Funds appropriated for fiscal year 1988 may not be obligated or expended to procure any Bradley Fighting Vehicles until a period of 15 days of continuous session of Congress has passed after the last of the following occurs:

(1) The tests of the Bradley Fighting Vehicle required by section 121(d) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3829) are completed and the Secretary of Defense submits to Congress the report on the results of such tests required by section 121(f)(1) of such Act. Reports.

(2) The Secretary of Defense certifies to Congress in writing that the survivability modifications selected by the Secretary for the Bradley Fighting Vehicle maximize casualty reductions while considering fiscal concerns and without jeopardizing operational effectiveness.

Reports.
101 STAT. 1042

(3) The Secretary of Defense submits to Congress a report containing—

(A) a plan for the incorporation of the survivability modifications selected into all Bradley Fighting Vehicles intended for use in combat and a further plan for the incorporation of such modifications into the maximum number of Bradley Fighting Vehicles for which such incorporation is operationally warranted and feasible;

(B) a plan for initiation of production or development efforts, as appropriate, for such modifications not later than May 1, 1988; and

(C) a description of each survivability modification considered by the Secretary (including those not selected) and the relative costs (including logistics and storage) and the schedules of each such modification, a schedule for completion of the modifications selected, and the rationale for not selecting those modifications that were considered but not selected.

Reports.
Contracts.

(4) The Secretary of Defense submits to Congress a report—

(A) identifying those instances (including deficient swim capability, transmission failures, electrical problems with the vehicle and turret distribution boxes, and inadequacies in the Integrated Sight Unit and TOW missile launchers) in which—

(i) there are reliability, quality, or operational problems;

(ii) the vehicle does not meet the military requirements specified for the vehicle in a program contract; or

(iii) the performance of a Government contractor under a program contract is deficient; and

(B) setting forth a plan to correct each instance identified under subparagraph (A).

(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall—

(1) review all materials of the Department of Defense used to develop the certification submitted under subsection (a)(2) and the reports submitted under subsections (a)(3) and (a)(4); and

Reports.

(2) not later than 30 days after the date on which the last of such certification and reports is submitted, submit to Congress a report giving the assessment of the Comptroller General as to the conclusions and recommendations of the Secretary of Defense in the reports and certifications submitted pursuant to subsection (a).

(c) CONTINUITY OF SESSION.—For purposes of determining the period of 15 days of continuous session of Congress specified in subsection (a)—

(1) the continuity of a session of Congress is broken only by an adjournment of the Congress sine die; and

(2) days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such period.

SEC. 124. LIMITATION ON PROCUREMENT OF CERTAIN CHEMICAL WEAPONS ANTIDOTE

(a) LIMITATION.—Section 2400 of title 10, United States Code, is amended—

(1) by inserting "(a) BUSES.—" before "Funds appropriated"; and 101 STAT. 1043

(2) by adding at the end the following:

"(b) CHEMICAL WEAPONS ANTIDOTE MANUFACTURED OVERSEAS.—Funds appropriated to the Department of Defense may not be used for the procurement of chemical weapons antidote contained in automatic injectors (or for the procurement of the components for such injectors) determined to be critical under the Industrial Preparedness Planning Program of the Department of Defense unless—

"(1) such injector or component is manufactured in the United States by a company which is an existing producer under the industrial preparedness program at the time the contract is awarded and which—

"(A) has received all required regulatory approvals; and

"(B) has the plant, equipment, and personnel to perform the contract in existence in the United States at the time the contract is awarded; or Contracts.

"(2) the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, determines that such procurement from a source in addition to a source described in paragraph (1) is critical to the national security.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"**§ 2400. Miscellaneous procurement limitations**".

(2) The item relating to that section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2400. Miscellaneous procurement limitations.".

SEC. 125. REVISION OF CHEMICAL DEMILITARIZATION PROGRAM 50 USC 1521 note.

(a) DEFINITION.—For purposes of this section, the term "chemical stockpile demilitarization program" means the program established by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), to provide for the destruction of the United States' stockpile of lethal chemical agents and munitions.

(b) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Defense shall issue the final Programmatic Environmental Impact Statement on the chemical stockpile demilitarization program by January 1, 1988. The Environmental Impact Statement shall be prepared in accordance with all applicable laws.

(c) DISPOSAL TECHNOLOGIES.—(1) Funds appropriated pursuant to this Act or otherwise made available for fiscal year 1988 for the chemical stockpile demilitarization program may not be obligated for procurement or for an Army military construction project at a military installation or facility inside the continental United States until the Secretary of Defense certifies to Congress in writing that the concept plan under the program includes the following:

(A) Evaluation of alternate technologies for disposal of the existing stockpile and selection of the technology or technologies to be used for such purpose.

(B) Full-scale operational verification of the technology or technologies selected for such disposal.

(C) Maximum protection for public health and the environment. Health and medical care. Environment.

(2) The limitation in paragraph (1) shall not apply with respect to the obligation of funds for the technology evaluation or development program. Research and development.

(d) ALTERNATIVE CONCEPT PLAN.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an alternative concept plan for the chemical stockpile demilitarization program. The alternative concept plan shall— 101 STAT. 1044

(1) incorporate the requirements of subsections (b) and (c); and

(2) specify any revised schedule or revised funding requirement necessary to enable the Secretary to meet the requirements of subsections (b) and (c).

The alternative concept plan shall be submitted by March 15, 1988.

(e) SURVEILLANCE AND ASSESSMENT PROGRAM.—The Secretary of Defense shall conduct an ongoing comprehensive program of—

(1) surveillance of the existing United States stockpile of chemical weapons; and

(2) assessment of the condition of the stockpile.

50 USC 1513 note.

SEC. 126. WITHDRAWAL OF EUROPEAN CHEMICAL STOCKPILE

Chemical munitions of the United States stored in Europe on the date of the enactment of this Act should not be removed from Europe unless such munitions are replaced contemporaneously with binary chemical munitions stationed on the soil of at least one European member nation of the North Atlantic Treaty Organization.

10 USC 2432 note.

SEC. 127. SELECTED ACQUISITION REPORTS FOR CERTAIN PROGRAMS

(a) SAR COVERAGE FOR ATB, ACM, AND ATA PROGRAMS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives at the end of each fiscal year quarter a Selected Acquisition Report with respect to each program referred to in subsection (b), notwithstanding that such a report would not otherwise be required under section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—Subsection (a) applies to the Advanced Technology Bomber program, the Advanced Cruise Missile program, and the Advanced Tactical Aircraft program.

(c) SELECTED ACQUISITION REPORT DEFINED.—As used in subsection (a), the term "Selected Acquisition Report" means a report containing the information referred to in section 2432 of title 10, United States Code.

SEC. 128. REPORT ON STRATEGIC BOMBER FORCE COMPOSITION

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report updating the 1986 Strategic Bomber Force Study. The report shall include—

(1) the total number of advanced technology bombers required for the strategic bomber force;

(2) the Secretary's assessment of the effect of potential arms control developments on the bomber force;

(3) a description of any current plans for the use of the B–1B aircraft as a dedicated stand-off mission aircraft;

(4) a description of plans for retirement of the current B–52 and FB–111 fleets; and

101 STAT. 1045

(5) an assessment as to the potential for changes in the Soviet threat and other factors that may affect the capabilities of the strategic bomber force to penetrate Soviet air defenses.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than April 1, 1988.

SEC. 129. HEMTT TRUCK PROGRAM

Contracts.

(a) PROGRAM AUTHORIZATION.—Beginning in fiscal year 1988, the Secretary of the Army shall procure not less than 4,737 trucks under the Heavy Expanded Mobility Tactical Truck (HEMTT) program. Such procurement shall be carried out using multiyear contracts in accordance with section 2306(h) of title 10, United States Code.

(b) FUNDING.—Of amounts appropriated for each of fiscal years 1988 and 1989 for other procurement for the Army for tactical vehicles, $239,300,000 shall be available only for procurement under subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS AND PROGRAM LIMITATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Funds are hereby authorized to be appropriated for fiscal year 1988 and for fiscal year 1989 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army:
  (A) $5,281,008,000 ($5,204,338,000) for fiscal year 1988.
  (B) $2,763,326,000 for fiscal year 1989.

(2) For the Navy (including the Marine Corps):
  (A) $9,947,151,000 ($9,638,995,000) for fiscal year 1988.
  (B) $2,896,358,000 for fiscal year 1989.

(3) For the Air Force:
  (A) $16,861,976,000 ($15,114,635,000) for fiscal year 1988.
  (B) $3,464,376,000 for fiscal year 1989.

(4) For the Defense Agencies:
  (A) $8,145,176,000 ($8,060,558,000) for fiscal year 1988.
  (B) $1,881,428,000 for fiscal year 1989.

(5) For testing activities:
  (A) For the activities of the Deputy Under Secretary of Defense, Test and Evaluation:
    (i) $184,693,000 ($173,479,000) for fiscal year 1988.
    (ii) $175,244,000 for fiscal year 1989.
  (B) For the Director of Operational Test and Evaluation:
    (i) $91,221,000 for fiscal year 1988.
    (ii) $104,221,000 for fiscal year 1989.

SEC. 202. LIMITATION ON FUNDS FOR THE ARMY

(a) AAWS-M AND MILAN II PROGRAMS.—(1) Of the funds appropriated pursuant to section 201 for the Army for fiscal year 1988, not more than $18,000,000 may be obligated for the Advanced Anti-Tank Weapon System-Medium (AAWS-M) program until the Secretary of the Army certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Army has completed the Milan II evaluation. 101 STAT. 1046

(2) For purposes of paragraph (1), the term "Milan II evaluation" means evaluation of the Milan II system as an interim alternative medium-range anti-tank weapons system, as directed in the joint explanatory statement of the committee of conference accompanying the conference report on House Joint Resolution 738 (House Report 99-1005, page 555). Such evaluation shall be based on full operational testing of the Milan II system.

(b) ANTI-TACTICAL MISSILE SYSTEMS.—Of the funds appropriated pursuant to section 201 for the Army for fiscal year 1988, $26,501,000 shall be available for the anti-tactical missile system program, of which $10,000,000 shall be available only for the development of a capability to enable the Patriot and Hawk air defense systems for the anti-tactical missile role to exchange data and to otherwise communicate.

(c) CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM.—Of the funds appropriated for the Army for fiscal year 1988 for research, development, test, and evaluation, $6,800,000 shall be available only to conduct a program to develop and dem-

onstrate compliance monitoring capabilities in support of the Convention on the Prohibition of Chemical Weapons proposed by the United States in the Conference on Disarmament.

(d) STINGER ELECTRONIC SECURITY SYSTEM.—Of the funds appropriated for the Army for fiscal year 1988 for research, development, test, and evaluation, $3,000,000 shall be available only for purposes of demonstrating and testing alternative electronic safety devices that can be installed or retrofitted on Stinger air defense missiles in both the basic Stinger configuration and the reprogrammable microprocessor configuration. The Secretary of the Army shall summarize the results of the demonstration and testing on the basic Stinger configuration and submit a report to Congress on such summary not later than July 1, 1988, and shall summarize the results of the demonstration and testing on the reprogrammable microprocessor configuration and submit a report to Congress on such summary not later than January 1, 1989.

Reports.

(e) RIFLE-LAUNCHED MUNITIONS.—Of the funds appropriated to the Army pursuant to section 201 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), $11,827,000 may be obligated only for a lighweight rifle-launched anti-armor munitions program approved by the Assistant Secretary of Defense for Special Forces and Low Intensity Conflict.

SEC. 203. LIMITATION ON FUNDS FOR THE NAVY

(a) A-6 AIRCRAFT CONFIGURATION.—None of the funds appropriated pursuant to section 201 for research, development, test, and evaluation for the Navy may be obligated or expended for the purpose of configuring the A-6 aircraft in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition Report submitted to Congress for the quarter ending December 31, 1986).

Research and development. Reports.

(b) PROHIBITION ON TESTING ELECTROMAGNETIC PULSE IN CHESAPEAKE BAY.—During fiscal year 1988, the Secretary of the Navy may not carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for ships (EMPRESS).

101 STAT. 1047

SEC. 204. LIMITATION ON FUNDS FOR THE AIR FORCE

(a) MISCELLANEOUS LIMITATIONS.—Of the funds appropriated pursuant to section 201 for the Air Force for fiscal year 1988—

(1) $15,000,000 shall be available only for Non-Acoustic Anti-Submarine Warfare related activity;

(2) $50,000,000 shall be available only for the Pave Tiger program; and

(3) $94,967,000 shall be available only for the Manufacturing Technology (MANTECH) program, of which $10,000,000 shall be available only for programs associated with the revitalization of the United States machine tool industry.

(b) F-4D AIR DEFENSE AIRCRAFT.—The Secretary of the Air Force may spend not more than $30,000,000 to complete development of a derivative of the F-4D aircraft for the air defense mission. Funds to be used for such purpose are funds appropriated to the Air Force for fiscal year 1985 for research, development, test, and evaluation but not authorized.

SEC. 205. LIMITATION ON FUNDS FOR DEFENSE AGENCIES

(a) SPECIFIED ACTIVITIES.—Of the funds appropriated pursuant to section 201 for the Defense Agencies for fiscal year 1988—

(1) $288,000,000 shall be available only to the Defense Advanced Research Projects Agency for Strategic Technology, of which—

(A) $5,500,000 shall be available only for optical processor research,

(B) $50,000,000 shall be available only for the Light Sat program, and

(C) $4,000,000 shall be available only for the Amos Large Optical System program;

(2) $15,000,000 shall be available only for X-Ray lithography research; and

(3) $5,000,000 shall be available only for the Rankine Cycle Energy Recovery (RACER) system.

(b) LANDSAT PROGRAM.—Of the funds appropriated or otherwise made available to the Defense Agencies for research, development, test, and evaluation for fiscal years 1988 and 1989, funds shall be provided to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence to be used for LANDSAT data acquisition and for development of LANDSAT satellites numbers 6 and 7 (including launch costs) as follows:

(1) For fiscal year 1988, $15,000,000.

(2) For fiscal year 1989, $45,000,000.

(c) UNIVERSITY RESEARCH INITIATIVES.—Of the funds appropriated pursuant to section 201 for the Defense Agencies—

(1) $190,000,000 ($185,000,000) shall be available only for the University Research Initiatives (URI) program in fiscal year 1988, of which $25,000,000 is for the Defense Agencies for the Defense University Instrumentation Program; and

(2) $210,000,000 shall be available only for that program in fiscal year 1989.

(d) BIOENVIRONMENTAL HAZARDS RESEARCH.—Of the funds appropriated pursuant to section 201, not more than $33,000,000 ($25,000,000) may be obligated through the Office of the Under Secretary of Defense for Acquisition for bioenvironmental hazards research activities at universities (including amounts for associated facilities and other related purposes).

101 STAT. 1048

SEC. 206. FUNDING FOR TECHNOLOGY BASE PROGRAMS FOR FISCAL YEAR 1988

Of the funds appropriated pursuant to section 201, the following amounts are available only for technology base programs:

(1) For the Army:

(A) $764,862,000 of funds authorized for fiscal year 1988.

(B) $839,852,000 of funds authorized for fiscal year 1989.

(2) For the Navy:

(A) $748,781,000 of funds authorized for fiscal year 1988.

(B) $832,587,000 of funds authorized for fiscal year 1989.

(3) For the Air Force:

(A) $773,220,000 ($761,992,000) of funds authorized for fiscal year 1988.

(B) $839,444,000 of funds authorized for fiscal year 1989.

(4) For the Defense Agencies:

(A) $1,186,430,000 ($1,181,430,000) of funds authorized for fiscal year 1988.

(B) $838,918,000 of funds authorized for fiscal year 1989.

SEC. 207. FUNDS FOR COOPERATIVE PROJECTS WITH MAJOR NON-NATO ALLIES

Of the funds appropriated pursuant to the authorizations of appropriations for fiscal year 1988 in section 201, up to $40,000,000 shall be available for cooperative research and development projects with major non-NATO allies under section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-961).

10 USC 2431 note.

SEC. 208. ONE-YEAR UNITED STATES MORATORIUM ON TESTING ANTI-SATELLITE WEAPONS

President of U.S. Union of Soviet Socialist Republics.

(a) TESTING MORATORIUM.—The Secretary of Defense may not carry out a test of the Space Defense System (antisatellite weapon) involving the F-15 launched miniature homing vehicle against an object in space until the President certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of a dedicated antisatellite weapon.

(b) EXPIRATION.—The prohibition in subsection (a) expires on October 1, 1988.

PART B—PROGRAM POLICIES

SEC. 211. NAVY ATTACK SUBMARINE PROGRAM

Research and development.

(a) ADVANCED SUBMARINE TECHNOLOGY.—(1) There is hereby established an Advanced Submarine Technology Program to be carried out by the Secretary of Defense through the Director, Defense Advanced Research Projects Agency. In carrying out the program, the Director shall conduct research, development, test, and evaluation of advanced submarine technology that may be applied to submarines of the SSN-688 class, SSN-21 class, or other classes of submarines. Technology to be examined through the program includes technology relating to polymers, compliant coating, propulsion, techniques for hull drag reduction, materials, weapon control systems, acoustic and nonacoustic signature reduction, and sensors.

(2) The objective of the program shall be to obtain prototype hardware of promising submarine technologies in the shortest possible time.

101 STAT. 1049

(3) Of the funds appropriated or otherwise made available to the Navy for fiscal year 1988 for research, development, test, and evaluation, $100,000,000 shall be made available to the Director, Defense Advanced Research Projects Agency for the advanced submarine technology program. The Secretary of Defense shall make such amount available to the Director within 30 days after enactment of a law making appropriations for fiscal year 1988 for research, development, test, and evaluation for the Navy.

(b) REPORT REQUIREMENT.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a detailed plan for the conduct of the program. The report shall include—

(A) information on the technologies to be studied and developed,

(B) milestones for significant achievements,

(C) plans for prototype hardware development, and

(D) a description of anticipated costs.

(2) Not later than six months after the submission of the report required by paragraph (1), the Secretary of Defense shall submit a report updating the information in the initial report, including any additional information the Secretary considers appropriate to the conduct of the program.

Reports.

(c) LIMITATION ON FUNDS.—None of the funds appropriated pursuant to this or any other Act for the research and development of the SSN-21 Seawolf Attack Submarine program may be obligated or expended during any period of time in which a report required by subsection (b) is overdue.

(d) CONCEPT STUDIES FOR SSN-688 IMPROVEMENT.—Of the funds appropriated pursuant to section 201 for the Navy for fiscal year 1988, $13,000,000 shall be available only for concept and design studies, together with cost estimates, for accomplishing the following on SSN-688 Los Angeles class submarines:

(1) Providing greater operational/tactical and maximum speed than the present SSN-688 class submarine.

(2) Using HY-100 steel to permit greater operational depths.

(3) Providing greater acoustic and nonacoustic quieting.

(4) Providing greater weapons carrying capacity than either the SSN-688 submarine or the proposed SSN-21 submarine.

(e) INDEPENDENT STUDIES.—The Secretary of Defense shall obtain an independent concept study in accordance with subsection (d) from two qualified independent shipbuilders and shall provide the results of the Navy concept study and of the shipbuilders' studies, together with development and deployment schedules and cost estimates under each, to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1988. Reports.

SEC. 212. ADVANCED TACTICAL FIGHTER AIRCRAFT

None of the funds appropriated for fiscal year 1988 or otherwise made available may be obligated for development of the Advanced Tactical Fighter aircraft program until—

(1) the Secretary of the Navy certifies to the Secretary of Defense that the prototype aircraft designs are capable of accepting all physical and structural modifications necessary to satisfy fully the requirements of the Navy concerning carrier catapults and arresting gear, and

101 STAT. 1050

(2) the Secretary of Defense submits to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a copy of the certification under paragraph (1) and certifies that a major source selection criteria for full scale development and production will be the extent to which the contractor's proposals for the Navy-variant of the advanced tactical fighter meets fully the requirements of the Navy.

SEC. 213. ELECTRONIC WARFARE PROGRAMS

(a) FUNDING.—Of the funds appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1988, not more than $539,235,000 ($482,472,000) may be used for electronic warfare programs as provided in subsection (b).

(b) ALLOCATION OF FUNDS.—The Secretary of Defense shall allocate among the military departments funds appropriated for fiscal year 1988 for electronic warfare programs as follows:

(1) For the Department of the Army, $103,804,000 ($92,877,000).

(2) For the Department of the Navy, $235,946,000 ($211,109,000).

(3) For the Department of the Air Force, $199,485,000 ($178,486,000).

(c) SUBMISSION OF MASTER PLAN.—Not later than March 1, 1988, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a detailed master plan for electronic warfare programs. Such plan shall— Reports.

(1) describe joint service electronic warfare programs that will satisfy electronic warfare requirements against the current and future threat; and

(2) identify those electronic warfare systems that will be terminated.

SEC. 214. CONVENTIONAL DEFENSE INITIATIVE

(a) IN GENERAL.—In this Act, Congress continues the program of Conventional Defense Initiatives begun in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) for the purposes stated in section 221 of that Act (100 Stat. 3845).

(b) ARMY.—Of the funds appropriated pursuant to section 201 for the Army for fiscal year 1988, $48,100,000 shall be available only for the Conventional Defense Initiative.

(c) NAVY.—Of the funds appropriated pursuant to section 201 for the Navy for fiscal year 1988, $51,100,000 ($46,100,000) shall be available only for the Conventional Defense Initiative.

(d) AIR FORCE.—Of the funds appropriated pursuant to section 201 for the Air Force for fiscal year 1988, $9,600,000 shall be available only for the Conventional Defense Initiative.

Research and development.

SEC. 215. BALANCED TECHNOLOGY INITIATIVE

(a) PURPOSE.—It is the purpose of this section to authorize funds for the Balanced Technology Initiative program.

Union of Soviet Socialist Republics.

(b) PROGRAM FOCUS.—The focus of the Balanced Technology Initiative program shall be on the development of innovative concepts and methods of enhancing conventional defense capabilities, including the development of concepts and methods to take full advantage

101 STAT. 1051

of the technological superiority of the United States and its allies as a means of increasing the rate of obsolescence of equipment, doctrine, and tactics of the Soviet Union and other Warsaw Pact countries. Such development shall give particular emphasis to the following:

(1) Armor/anti-armor initiatives.

(2) Defenses against armed helicopters.

(3) Hypervelocity missiles for ground combat use.

(4) Defense against anti-ship missiles, including those with "stealth" characteristics.

(5) "Smart" mines for both land and ocean warfare.

(6) Lightweight, air transportable vehicles with anti-armor capabilities for rapid transport to remote areas.

(7) Improved conventional anti-submarine warfare munitions.

(8) "Smart" standoff munitions and submunitions for delivery outside of lethal air defense ranges.

(c) AMOUNTS AUTHORIZED.—(1) Of the amounts appropriated pursuant to section 201 for fiscal year 1988—

(A) not less than $300,000,000 ($275,000,000) shall be obligated only for research and development in connection with those programs, projects, and activities initiated pursuant to section 222 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3845); and

(B) not less than $200,000,000 shall be obligated only for research and development under the Balanced Technology Initiative and shall be used only for new and innovative programs, projects, and activities that have not been designated for funding under that section.

(2) Of the amounts appropriated pursuant to section 201 for fiscal year 1989, not less than $300,000,000 shall be obligated for research and development in connection with the Balanced Technology Initiative.

(d) RELATIONSHIP TO CONVENTIONAL DEFENSE INITIATIVE.—The Conventional Defense Initiative provided for in section 221 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3845) and for which funds are authorized by section 214 is not an element of the Balanced Technology Initiative. Funds made available for the purpose of this section may not be obligated for any program, project, or activity of the Conventional Defense Initiative.

SEC. 216. MILESTONE AUTHORIZATIONS

(a) ARMY TACTICAL MISSILE SYSTEM.—(1) Of the amounts appropriated for the Army for research, development, test, and evaluation for fiscal years 1988 and 1989, $112,208,000 ($102,208,000) of the amount appropriated for fiscal year 1988 and $86,618,000 of the

amount appropriated for fiscal year 1989 may be obligated only for the Army Tactical Missile System program.

(2) The sum of $49,000,000 is hereby authorized to be appropriated for the Army for fiscal year 1990 for research, development, test, and evaluation in connection with the Army Tactical Missile System program.

(b) TRIDENT II MISSILE.—(1) Of the amounts appropriated for the Navy for research, development, test, and evaluation for fiscal years 1988 and 1989, $1,073,463,000 ($1,048,463,000) of the amount appropriated for fiscal year 1988 and $581,740,000 of the amount appropriated for fiscal year 1989 may be obligated only for the Trident II missile program. In achieving any undistributed reduction required to be made in programs, projects, or activities for which funds have been appropriated to the Department of Defense for fiscal year 1988, no reduction may be made in the amount of funds available for the program described in the preceding sentence. 101 STAT. 1052

(2) Funds are hereby authorized to be appropriated for the Navy for research, development, test, and evaluation of the Trident II missile program as follows:

(A) For fiscal year 1990, $338,300,000.

(B) For fiscal year 1991, $164,700,000.

(C) For fiscal year 1992, $103,000,000.

(c) T-45 TRAINING SYSTEM.—(1) Of the amounts appropriated for the Navy for research, development, test, and evaluation for fiscal years 1988 and 1989, $96,015,000 of the amount appropriated for fiscal year 1988 and $87,822,000 of the amount appropriated for fiscal year 1989 may be obligated only for the T-45 Training System program.

(2) Funds are hereby authorized to be appropriated for the Navy for research, development, test, and evaluation of the T-45 Training System program as follows:

(A) For fiscal year 1990, $23,700,000.

(B) For fiscal year 1991, $24,000,000.

(d) APPLICATION OF SECTION 2437 OF TITLE 10.—Programs referred to in subsections (a) through (c) are defense enterprise programs for the purpose of section 2437 of title 10, United States Code.

SEC. 217. ANTI-TACTICAL BALLISTIC MISSILE SYSTEMS AND EXTENDED AIR DEFENSE

(a) DEMONSTRATION PROJECTS UNDER SDI PROGRAM.—(1) Of the funds appropriated or otherwise made available to the Department of Defense for the Strategic Defense Initiative program for fiscal year 1988, $50,000,000 shall be available only for experiments, demonstration projects, and development relating to anti-tactical ballistic missile (ATBM) systems.

(2) Such projects shall be conducted on a matching fund cooperative program basis with United States allies that have signed Memoranda of Understanding (MOU's) for participation in the Strategic Defense Initiative program.

(3) Any system developed under this subsection shall be designed to be no less capable than the SA-X-12 system of the Soviet Union. Union of Soviet Socialist Republics.

(b) EXTENDED AIR DEFENSE.—(1) Of the funds appropriated to the Army pursuant to section 201, $25,000,000 may be obligated only upon approval by the Director of Defense Research and Engineering for the purpose of research and development in connection with anti-tactical missile systems or extended air defense systems.

(2) If any such funds are made available to a firm in an allied country, such funds shall be available for obligation only after the Secretary of Defense enters into a cooperative program with that country for that purpose.

SEC. 218. HIGH-TEMPERATURE SUPERCONDUCTIVITY PROGRAM

(a) AUTHORIZATION.—(1) Of the funds appropriated or otherwise made available to the Department of Defense pursuant to section 201 for research, development, test, and evaluation, $60,520,000 of the amount appropriated for fiscal year 1988 and $60,520,000 of the
101 STAT. 1053 amount appropriated for fiscal year 1989 may be obligated only for research and development relating to superconductivity at high critical temperatures.

(2) Of the amount that may be obligated under paragraph (1), $10,520,000 in the case of fiscal year 1988, and $10,520,000 in the case of fiscal year 1989, may be obligated only for support of research and development activities that—

(A) are conducted under the superconductor program of the Defense Advanced Research Projects Agency of the Department of Defense or under the superconductor program of any other entity involved in superconductor research and development; and

(B) accelerate advanced development of superconductor technology to support the Electric Drive program of the Department of Defense.

Research and development.

(b) ADMINISTRATIVE PROVISIONS.—(1) The Secretary of Defense shall determine, with respect to the amounts appropriated or otherwise made available to the Army, Navy, Air Force, and Defense Agencies pursuant to section 201 for research, development, test, and evaluation for each of fiscal years 1988 and 1989, the amount to be derived from the Army, Navy, Air Force, and each of the Defense Agencies in each such fiscal year to carry out the high-temperature superconductivity research and development activities of the Department of Defense under this section.

10 USC 2364 note.

(2) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall—

(A) coordinate the research and development activities of the Department of Defense relating to high-temperature superconductivity; and

(B) ensure that such research and development—

(i) is carried out in coordination with the high-temperature superconductivity research and development activities of the Department of Energy (including the national laboratories of the Department of Energy), the National Science Foundation, the National Bureau of Standards, and the National Aeronautics and Space Administration; and

(ii) complements rather than duplicates such activities.

10 USC 2363 note. Research and development.

(c) TECHNOLOGY TRANSFER TO PRIVATE SECTOR.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall take appropriate action to ensure that high-temperature superconductivity technology resulting from the research activities of the Department of Defense is transferred to the private sector. Such transfer shall be made in accordance with section 10(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), other applicable provisions of law, and Executive Order Number 12591, dated April 10, 1987.

(2) The Secretary of Energy, in consultation with the Under Secretary of Defense for Acquisition, shall ensure that the national laboratories of the Department of Energy participate, to the maximum appropriate extent, in the transfer to the private sector of technology developed under the Department of Defense superconductivity program in the national laboratories.

SEC. 219. TRAINING IN ADVANCED MANUFACTURING TECHNOLOGIES

(a) FUNDS FOR PURCHASE AND INSTALLATION OF EQUIPMENT.—Of the funds appropriated pursuant to section 201, not more than $31,000,000 ($25,000,000) of the amount appropriated for fiscal year
101 STAT. 1054 1988, and not more than $31,000,000 of the amount appropriated for fiscal year 1989, may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, nonprofit center for advanced technologies for the

purpose of training, in a production facility, machine tool operators in skills critical to the defense technology base to build, operate, and maintain such equipment.

(b) REQUIREMENTS.—Funds may not be obligated for the purpose described in subsection (a) until—

(1) the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Education enter into a memorandum of understanding concerning the participation of their respective departments in a project to demonstrate the training of machine technicians in a production facility;

(2) the Secretary of Defense approves the obligation of such funds for such purpose; and

(3) a period of 60 days elapses after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed explanation of proposed Federal expenditures, a description of the cost-sharing arrangements between the Government agencies concerned and the private sector, and a description of how the proposed program furthers the industrial and technological goals of the Department of Defense. Reports.

SEC. 220. SENSE OF CONGRESS ON STRATEGIC MISSILE MODERNIZATION PROGRAMS

(a) FINDINGS.—The Congress makes the following findings:

(1) It is essential that the nation's defense priorities be carefully analyzed so as to properly fund the Armed Forces.

(2) The capabilities of the conventional forces of the United States and its allies will become more important if an agreement with respect to intermediate-range nuclear forces (INF) is concluded between the United States and the Soviet Union. Union of Soviet Socialist Republics.

(3) It is both desirable and possible to reduce the reliance of the North Atlantic Treaty Organization on nuclear weapons for the defense of all members of the alliance if the member nations of the alliance assert the political will to reduce such reliance and establish sound defense priorities.

(4) The United States is currently procuring and deploying one land-based intercontinental ballistic missile system (the MX system) at significant cost while developing another such system (the so-called Midgetman system) at significant additional cost.

(5) Efforts to reduce the Federal budget deficit, which are imperative for the economic well being of the United States, will continue for the foreseeable future to require limits on all discretionary Federal spending, including defense spending.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that the authorization of funds in this Act for research and development for both the new small mobile intercontinental ballistic missile (commonly known as the "Midgetman" missile) and the proposed rail-mobile basing mode for the MX missile does not constitute a commitment or express an intent by Congress to provide funds to procure and deploy the Midgetman missile or to deploy any MX missiles in a rail-mobile basing mode or both. Research and development.

PART C—STRATEGIC DEFENSE INITIATIVE

Subpart 1—SDI Funding and Program Limitations and Requirements

SEC. 221. FISCAL YEAR 1988 FUNDING LEVEL FOR THE STRATEGIC DEFENSE INITIATIVE

(a) AMOUNT AUTHORIZED.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal

year 1988, not more than $3,621,000,000 may be obligated for the Strategic Defense Initiative.

(b) SPECIFIED ACTIVITIES.—Of the funds available for the Strategic Defense Initiative program under subsection (a)—

(1) $27,000,000 shall be available only for a classified laser program;

(2) $15,000,000 shall be available only for medical applications of the free electron laser program for medical research and material; and

(3) $17,000,000 is available for defense-wide mission support for the Strategic Defense Initiative.

(c) DEFENSE-WIDE MISSION SUPPORT.—Of the amount appropriated for Defense Agencies for fiscal year 1987, $16,000,000 may be used for defense-wide mission support for the Strategic Defense Initiative.

10 USC 2431 note.

SEC. 222. PROHIBITION OF CERTAIN CONTRACTS WITH FOREIGN ENTITIES

(a) SDI CONTRACTS WITH FOREIGN ENTITIES.—Funds appropriated to or for the use of the Department of Defense may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) TEMPORARY SUSPENSION OF PROHIBITION UPON CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract is to be performed within the United States;

(2) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems; or

(3) that foreign government or foreign firm agrees to share a substantial portion of the total contract cost.

(d) DEFINITIONS.—In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

101 STAT. 1056

(e) TRANSITION.—The prohibition in subsection (a) shall not apply to a contract entered into before the date of the enactment of this Act.

10 USC 2431 note.

SEC. 223. LIMITATION ON TRANSFER OF SDI TECHNOLOGY TO SOVIET UNION

Military technology developed with funds appropriated or otherwise made available for the Strategic Defense Initiative may not be transferred, or made available for transfer, to the Soviet Union by the United States (or with the consent of the United States) unless—

President of U.S.

(1) the President determines, and certifies to Congress, that the transfer is in the national interest of the United States and is to be made for the purpose of maintaining peace; and

(2) Congress approves that determination by a joint resolution.

10 USC 2431 note.

SEC. 224. SDI ARCHITECTURE TO REQUIRE HUMAN DECISION MAKING

No agency of the Federal Government may plan for, fund, or otherwise support the development of command and control systems

for strategic defense in the boost or post-boost phase against ballistic missile threats that would permit such strategic defenses to initiate the directing of damaging or lethal fire except by affirmative human decision at an appropriate level of authority.

SEC. 225. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS

(a) USE OF FUNDS.—(1) Funds appropriated to the Department of Defense for fiscal year 1988, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1988 or for any fiscal year before fiscal year 1988, shall be subject to the limitations prescribed in paragraph (2).

(2) The funds described in paragraph (1) may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the April 1987 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the April 1987 SDIO Report.

(3) The limitation under paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1988 if the transfer is made in accordance with section 1201 of this Act and any comparable provision in legislation appropriating funds for military functions of the Department of Defense for fiscal year 1988.

(b) DEFINITION.—As used in this section, the term "April 1987 SDIO Report" means the report entitled "Report to Congress on the Strategic Defense Initiative", dated April 1987, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives pursuant to section 1102 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 10 U.S.C. 2431 note).

101 STAT. 1057

SEC. 226. PROHIBITION ON DEPLOYMENT OF ANTI-BALLISTIC MISSILE SYSTEM UNLESS AUTHORIZED BY LAW

10 USC 2431 note.

The Secretary of Defense may not deploy any anti-ballistic missile system unless such deployment is specifically authorized by law after the date of the enactment of this Act.

SEC. 227. ESTABLISHMENT OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER TO SUPPORT THE STRATEGIC DEFENSE INITIATIVE PROGRAM

10 USC 2431 note.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Department of Defense requires technical support for issues of system integration related to the Strategic Defense Initiative program.

(2) The Strategic Defense Initiative Organization, after assessing alternative types of organizations for the provision of such technical support to the Strategic Defense Initiative program (including Government organizations, profit and nonprofit entities (including existing federally funded research and development centers), a new division within an existing federally funded research and development center, a new federally funded research and development center, colleges and universities, and private nonprofit laboratories), determined that a new federally funded research and development center (hereinafter in this section referred to as an "FFRDC") would be the type of organization most appropriate for the provision of such technical support to the Strategic Defense Initiative program.

(3) In providing such technical support to the SDI program, the new FFRDC should provide critical evaluation and rigorous and objective analysis of technologies, systems, and architectures that are candidates for use in the SDI program.

(4) Competitive selection of a contractor to establish and operate such an FFRDC to support the Strategic Defense Initiative program is one way to enhance the prospects for independent and objective evaluation of system integration issues within the Strategic Defense Initiative program.

(b) AUTHORITY TO CONTRACT FOR FFRDC.—The Secretary of Defense, using funds appropriated to the Department of Defense for the Strategic Defense Initiative program, may enter into a contract to provide for the establishment and operation of a federally funded research and development center to provide independent and objective technical support to the Strategic Defense Initiative program. Such a contract may not be awarded before October 1, 1989.

(c) CONTRACT AWARD REQUIREMENTS.—(1) A contract under subsection (b) shall be awarded using competitive procedures which emphasize cost considerations.

(2) The Secretary of Defense shall solicit proposals for such contract from existing federally funded research and development centers, from universities, from commercial entities, and from appropriate new organizations and shall make maximum efforts to obtain more than one proposal for such contract.

(3) The Secretary shall submit the three best contract proposals (as determined by the Secretary), together with a copy of the proposed sponsoring agreement for the new FFRDC, for review by three persons designated by the Defense Science Board from a list of six or more persons submitted by the National Academy of Sciences.

101 STAT. 1058 The persons performing the review—

(A) shall evaluate the extent to which each proposal and the proposed sponsoring agreement would foster competent and objective technical advice for the Strategic Defense Initiative Program; and

Reports. (B) shall report their evaluation of each such proposal and of the proposed sponsoring agreement to the Secretary.

(4) Before awarding a contract under subsection (b), and not sooner than March 30, 1989, the Secretary shall submit to Congress—

(A) a copy of the proposed final contract; and

(B) a copy of the proposed final sponsoring agreement relating to the operation of the new FFRDC.

(5)(A) The Secretary shall then withhold the award of such contract and the approval of such sponsoring agreement for a period of at least 30 days of continuous session of Congress beginning on the day after the date on which Congress receives the copies referred to in paragraph (4).

(B) For purposes of subparagraph (A), the continuity of a session of Congress is broken only by an adjournment sine die at the end of the second regular session of that Congress. In computing the 30-day period for such purposes, days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded.

Contracts. (d) REQUIREMENTS APPLICABLE TO FFRDC.—The Secretary of Defense shall—

(1) require that the contract referred to in subsection (b) include a provision stating that no officer or employee of the Department of Defense shall have the authority to veto the employment of any person selected to serve as an officer or employee of the new FFRDC;

(2) require that at least 5 percent of the total amount of funds available for the new FFRDC shall be set aside for independent

research to be performed by the staff of the new FFRDC under the direction of the chief executive officer of the new FFRDC;

(3) impose a limitation on the compensation payable to each senior executive of the new FFRDC for services performed for the new FFRDC so that such compensation shall be comparable to the amount of compensation payable to senior executives of comparable federally funded research and development centers for similar services;

(4) require that the new FFRDC publicly disclose the salary of its chief executive officer;

(5) prohibit current or former members of the Strategic Defense Initiative Advisory Committee from serving as members of the Board of Trustees of the FFRDC if such members constitute 10 or more percent of the Board of Trustees or from serving as officers of the new FFRDC;

(6) require that the contract referred to in subsection (b) include a provision prohibiting members of such Board of Trustees from serving as officers of the new FFRDC, except that a Board member may serve as the President of the new FFRDC if the Board is comprised of 10 or more members;

(7) require that the contract referred to in subsection (b) include a provision prohibiting the new FFRDC from employing any person who, as a Federal employee or member of the Armed Forces, served in the Strategic Defense Initiative Organization within two years before the date on which such person is to be employed by the new FFRDC; and 101 STAT. 1059

(8) require that any contract referred to in subsection (b) require that the Board of Trustees of the new FFRDC be comprised of individuals who represent a reasonable cross-section of views on the engineering and scientific issues associated with the Strategic Defense Initiative Program.

(e) FUNDING.—The Secretary of Defense shall provide that all funds for the new FFRDC within the Department of Defense budget for any fiscal year shall be separately identified and set forth in the budget presentation materials submitted to Congress for that fiscal year.

(f) SUNSET PROVISION.—No Federal funds may be provided to the new FFRDC after the end of the five-year period beginning on the date of the award of the first contract awarded to the FFRDC under this section.

Subpart 2—Report Requirements

SEC. 231. ANNUAL REPORT ON SDI PROGRAMS

10 USC 2431 note.

(a) IN GENERAL.—Not later than March 15, 1988, and March 15, 1989, the Secretary of Defense shall transmit to Congress a report (in both an unclassified and a classified form) on the programs that constitute the Strategic Defense Initiative and on any other program relating to defense against ballistic missiles. Each such report shall include the following:

(1) A detailed description of each program or project included in the Strategic Defense Initiative (SDI) or which otherwise relates to defense against strategic ballistic missiles, including a technical evaluation of each such program or project and an assessment as to when each can be brought to the stage of full-scale engineering development (assuming funding as requested or programmed).

(2) A clear definition of the objectives of each phase of the Strategic Defense Initiative Organization plan approved by the Defense Acquisition Board.

(3) An explanation of the relationship between each such objective and each program and project associated with the Strategic Defense Initiative or defense against strategic ballistic missiles.

North Atlantic Treaty Organization. Japan. Research and development. Union of Soviet Socialist Republics.

(4) The status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program.

(5) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the Antiballistic Missile Treaty.

(6) A review of possible countermeasures of the Soviet Union to specific SDI programs, an estimate of the time and cost required for the Soviet Union to develop each such countermeasure, and an evaluation of the adequacy of the SDI programs described in the report to respond to such countermeasures.

(7) Details regarding funding of programs and projects for the Strategic Defense Initiative, including—

101 STAT. 1060

(A) the level of funding provided for the current fiscal year and for previous fiscal years for each program and project in the Strategic Defense Initiative budgetary presentation materials provided to Congress;

(B) the amount requested to be appropriated for each such program and project for the next fiscal year;

(C) the amount programmed to be requested for each such program and project for the following fiscal year; and

(D) the amount required to reach the next significant milestone for each demonstration program and each major technology program.

(8) Details on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include—

(A) defending elements of the Armed Forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads;

(B) defending against an accidental launch of strategic ballistic missiles against the United States;

(C) defending against a limited but militarily effective Soviet attack aimed at disrupting the National Command Authority or other valuable military assets;

(D) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against military satellites, including those in high orbits;

(E) providing early warning and attack assessment information and the necessary survivable command, control, and communications to facilitate the use of United States military forces in defense against possible Soviet conventional or strategic attacks;

(F) providing protection of United States population from a Soviet nuclear attack; and

(G) any other significant near-term military mission that the application of SDI technologies might help to accomplish.

(9) For each of the near-term military missions listed in paragraph (8), the report shall include—

(A) a list of specific program elements of the Strategic Defense Initiative that are pertinent to these applications;

(B) the Secretary's estimate of the initial operating capability dates for the architectures or systems to accomplish such missions;

(C) the Secretary's estimate of the level of funding necessary for each program to reach those operating capability dates; and

(D) the Secretary's estimate of the survivability and cost effectiveness at the margin of such architectures or systems against current and projected Soviet threats.

(b) REPEALS.—Section 1102 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2431 note), and section 215 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3843) are repealed. 101 STAT. 1061

SEC. 232. REPORT ON SDI DEVELOPMENT PLANS AND COSTS

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the total cost to develop, produce, deploy, operate, and maintain the ballistic missile defense system that would incorporate the technologies approved by the Secretary of Defense in authorizing proceeding into the demonstration/validation phase of the acquisition process. Should this system not be sufficiently defined, the system described in the 1987 report entitled "Report of the Technical Panel on Missile Defense in the 1990s", prepared by the George C. Marshall Institute, should be used as a basis for determining cost.

(b) DEADLINE FOR REPORT; CLASSIFICATION.—The report under subsection (a) shall be submitted no later than six months after the date of the enactment of this Act and shall be submitted in unclassified form.

SEC. 233. REPORT ON HOW ABSENCE OF THE ABM TREATY WOULD AFFECT STRATEGIC OFFENSIVE AND DEFENSIVE PROGRAMS

(a) REPORT ON NO ABM TREATY LIMITATIONS.—The Secretary of Defense shall submit to Congress a report concerning what the effect would be on strategic offensive and defensive programs of the United States if there were no limitations on strategic defensive systems in force under the 1972 ABM Treaty.

(b) MATTERS TO BE INCLUDED.—The report shall include the following: Research and development.

(1) An analysis of the ramifications of there being no limitation in force under the 1972 ABM Treaty on development under the Strategic Defense Initiative (SDI) program of strategic defenses, including comprehensive strategic defense systems and more limited defenses designed to protect vital military and command and control assets of the United States.

(2) A comparison (based on the analysis made under paragraph (1)) of the research and development programs that could be pursued under the SDI program under the limitations applicable under the restrictive interpretation of the 1972 ABM Treaty, under the less restrictive interpretation of such treaty, and under a case in which there were no such limitations, including a comparative analysis of—

(A) the overall cost of such research and development programs;

(B) the schedule of such research and development programs; and

(C) the level of confidence attained in such research and development programs with respect to supporting a decision to commence full-scale engineering development under such programs in the early-to-mid 1990s.

(3) A list of options for the SDI program, assuming that there are no limitations in force under the 1972 ABM Treaty, that meet one or more of the following objectives:

(A) Reduction of overall development cost.

(B) Advancement of the schedule for making a decision to commence full-scale engineering development.

(C) Increase in the level of confidence in the results of the research by the original scheduled date for the commencement of full-scale development.

Union of Soviet Socialist Republics.

101 STAT. 1062

(4) An analysis of how rapidly, in the absence of limitations under the 1972 ABM Treaty, the Soviet Union could deploy a nationwide anti-ballistic missile defense of military and non-military targets and the consequences of such a deployment. The analysis should include an assessment of the following:

(A) The effect of such deployment on the confidence of the United States that, should deterrence that depends increasingly on defensive forces fail, the planned strategic nuclear forces of the United States would be sufficient to hold assets that the leaders of the Soviet Union value at risk following a first strike by the Soviet Union against the United States.

(B) The changes that must be made to the strategic offensive forces of the United States to hold assets that the leaders of the Soviet Union value at risk in the presence of strategic defenses. The analysis should include both the cost of those changes and the time period scale over which they could be accomplished.

(C) The consistency of the required changes to United States strategic offensive forces of the United States described under subparagraph (B) with the current United States negotiating position in the Strategic Arms Reduction (START) negotiations.

(D) The degree to which crisis stability would be affected during the transition period between the appearance of nationwide anti-ballistic missile defenses by both the United States and the Soviet Union and the completion of the changes that the United States would make to its strategic offensive forces in response to such defenses by the Soviet Union.

(5) An analysis of the effect on deterrence of nuclear conflict if both the United States and Soviet Union deploy strategic defenses of comparable capability, considering both less capable and highly capable strategic defenses, as well as appropriate transition issues (including the effect on deterrence of the potential vulnerability of strategic defenses).

(c) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than March 1, 1988.

(d) REPORT CLASSIFICATION.—The report under subsection (a) shall be submitted in both classified and unclassified versions.

(e) 1972 ABM TREATY DEFINED.—In this section, the term "1972 ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

SEC. 234. REPORT ON ALLOCATION OF FY88 FUNDING

(a) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1988. The report shall set out the amount of such funds allocated for each program, project, or activity of the Strategic Defense Initiative within each appropriation account.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1988.

101 STAT. 1063

PART D—B-1B BOMBER PROGRAM

SEC. 241. FISCAL YEAR 1988 FUNDING LIMITATION

Of the funds appropriated pursuant to section 201 for fiscal year 1988, not more than $375,672,000 shall be available for research, development, test, and evaluation for the B-1B bomber program.

SEC. 242. DEFENSIVE AVIONICS TEST AND EVALUATION PROGRAM

Reports.

(a) REQUIREMENT FOR PROGRAM.—(1) During fiscal years 1988 and 1989, the Secretary of Defense shall develop and conduct a comprehensive program for the systematic testing of the defensive avionics system of the B–1B aircraft.

(2) Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a detailed plan for such testing during fiscal years 1988 and 1989. Such plan shall include—

(A) the planned test schedule for each of the various components of the defensive avionics system, tested singly and in combination with other components of the defensive and offensive avionics systems;

(B) the objectives of each of the planned tests and the criteria that will be used to determine whether each such test is successful, partially-successful, or unsuccessful; and

(C) how those scheduled tests can be used to estimate the capability of the B–1B to penetrate Soviet air defenses, including both single and multiple threats.

(b) LIMITATION ON OBLIGATION OF FUNDS.—If the report required under subsection (a)(2) is not submitted to the congressional defense committees by the deadline stated in that subsection for the submission of such report, then none of the funds referred to in section 241 may be expended for the B–1B bomber program until the report is received by those committees.

(c) BIMONTHLY STATUS REPORTS.—Beginning on February 1, 1988, and every two months thereafter until October 1, 1989, the Secretary of Defense shall submit to the congressional defense committees a report on whether the tests scheduled during the period since the preceding report were carried out when and as planned, and whether each of those tests was successful, partially successful, or unsuccessful. Each such report shall address the capability of the B–1B aircraft to meet—

(1) performance objectives;

(2) technical and fiscal objectives; and

(3) significant milestones.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and Appropriations of the Senate and House of Representatives.

SEC. 243. ASSESSMENT OF CAPABILITIES OF B–1B TO PENETRATE ENEMY AIR DEFENSES

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall provide for an independent assessment of the capabilities of the B–1B aircraft to penetrate air defenses of potential enemies. The Secretary shall appoint a panel of experts from the private sector to conduct the assessment and shall provide the panel such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

101 STAT. 1064

(b) CONFIGURATIONS TO BE CONSIDERED.—The panel shall estimate the air defense penetration capabilities of the B–1B aircraft in all of its mission profiles as the aircraft is estimated to be configured at each of the following times:

(1) Initial operational capability.

(2) The time the assessment is conducted.

(3) The completion of the developmental test and evaluation/initial operational test and evaluation period during fiscal year 1989.

(4) The completion of the baseline modifications program during fiscal year 1991.

(c) THREATS TO BE CONSIDERED.—The panel shall estimate the air defense penetration capabilities of the B-1B aircraft against the threats described—

(1) in the 1981 joint Office of the Secretary of Defense/Air Force Bomber Alternatives Study;

(2) in the 1986 Strategic Bomber Force Study; and

(3) in the most current threat baseline established by the intelligence community.

(d) COOPERATION WITH PANEL.—The Secretary of Defense shall ensure that individuals serving on the panel receive the full cooperation of all components of the Department of Defense in carrying out the functions of the panel under this section.

(e) REPORTS.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(1) an initial report on the assumptions that are to be used by the panel in making the assessment described in subsection (a);

(2) periodic reports on the development and progress of the assessment; and

(3) the final report of the panel (together with such comments as the Secretary considers appropriate) not later than March 1, 1988.

(f) FUNDING.—Of the amount appropriated for research, development, test, and evaluation for the Air Force for fiscal year 1988, up to $1,000,000 of the amount available for the B-1B aircraft program shall be available only for the conduct of the assessment under this section.

SEC. 244. LIMITATIONS ON AIRCRAFT ENHANCEMENT AND MODERNIZATION

(a) MODERNIZATION RESTRICTED.—Funds described in section 241 may not be used for modernization of the B-1B bomber aircraft.

(b) CONDITIONS FOR ENHANCEMENTS.—The Secretary of Defense may not carry out an enhancement of the B-1B aircraft unless the enhancement is specifically authorized by law and funds are specifically appropriated for that purpose. If the Secretary submits a request for any such authorization and funds, the Secretary shall include with the request—

(1) a description of the requested aircraft enhancement;

(2) full justification for the enhancement;

(3) the total program costs of the enhancement; and

(4) the planned schedule for incorporating the enhancement into the aircraft.

101 STAT. 1065

SEC. 245. EVALUATION OF FLIGHT TEST PROGRAM

In order to ensure the adequacy of the proposed flight test program for the B-1B aircraft, the Director of Operational Test and Evaluation of the Department of Defense shall assume the responsibilities and exercise the authorities of the Director under section 138 of title 10, United States Code, with respect to the use of funds provided for fiscal year 1988 for such flight test program insofar as the use of such funds involves operational test and evaluation functions (as defined in such section).

PART E—MISCELLANEOUS

SEC. 251. COOPERATIVE MEDICAL RESEARCH WITH THE VETERANS' ADMINISTRATION

Of the amount appropriated pursuant to section 201 for the Defense Agencies for fiscal year 1988, $20,000,000 shall be available only for a cooperative medical research program to be carried out by the Secretary of Defense and the Administrator of Veterans' Affairs.

Massachusetts. Contracts.

SEC. 252. LINCOLN LABORATORY IMPROVEMENT PROJECT

(a) MODERNIZATION AND EXPANSION PROJECT.—The Secretary of the Air Force is authorized to enter into a contract with the

Massachusetts Institute of Technology for a modernization and expansion project at the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts. The project includes construction of, and additions and modifications to, research offices, laboratory spaces, and supporting facilities necessary to carry out the activities of the Lincoln Laboratory.

(b) PROJECT COST AND DURATION.—The amount obligated under the contract for the modernization and expansion project may not exceed $135,000,000. The project shall be completed in not more than 12 years. Costs incurred under the contract may include costs of financing charges (including financing charges on amounts provided by the Massachusetts Institute of Technology for the project), but may not include a fee or profit for the Massachusetts Institute of Technology or for Lincoln Laboratory.

(c) FUNDING.—Payments under a contract under subsection (a) for any fiscal year shall be made from appropriations for research and development made to the Air Force or to any other Federal agency.

(d) TITLE.—Title to the facilities, and to associated equipment, funded by such contract shall be conveyed to the United States upon completion of the project and acceptance of the facilities by the Secretary.

(e) USE OF FACILITIES.—The right of the Massachusetts Institute of Technology to use such facilities and equipment shall be as provided by contracts with the United States.

(f) BUDGET ACT.—The authority of the Secretary of the Air Force to enter into a contract under subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 253. EVALUATION OF NEW HIGH-SPEED PATROL BOAT

The Secretary of the Navy is encouraged to (1) evaluate a new 80-foot reconnaissance assault and missile boat that has been designed to project power in coastal, harbor, river, and island waterways and on closed seas, and (2) consider procuring a prototype of such boat for extensive testing and evaluation. The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives any report on the evaluation of any such boat. Reports.

101 STAT. 1066

SEC. 254. PEGASUS ENGINE

Section 203(b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3838) is repealed.

SEC. 255. REPORT ON MILITARY USE OF NASA MANNED SPACE STATION

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the activities planned by the Department of Defense to be conducted on or in conjunction with the permanently manned space station to be developed and operated by the National Aeronautics and Space Administration. The report shall include a description of—

(1) those planned activities, including research projects the Department intends to conduct from the space station;

(2) the eventual applications for which the Department intends such research to be used; and

(3) the relationship of those planned activities to activities of the Department of Defense for which funds are authorized by this Act (including offensive and defensive weapons systems) and how such activities will be coordinated.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than March 1, 1988.

SEC. 256. ADVANCED LAUNCH SYSTEM

(a) REQUIRED PROGRAM PLANS.—The Secretary of Defense may not obligate or expend more than $50,000,000 for research, development, test, and evaluation for any activity associated directly or indirectly

with the Advanced Launch System/Heavy Lift Launch Vehicle (hereinafter in this section referred to as the "ALS") program until—

(1) the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration enter into an interagency agreement (A) on the most cost-effective design approach for the ALS, and (B) on a joint management plan to implement the ALS program so as to make maximum use of the expertise and the unique testing facilities of the National Aeronautics and Space Administration, especially with respect to rocket propulsion systems;

(2) the Secretary of Defense develops a management plan for the ALS program, including identification of the specific roles and responsibilities—

(A) to be filled by the Defense Agencies, the Department of the Air Force, and other appropriate elements of the Department of Defense; and

(B) as provided in the interagency agreement described in paragraph (1), to be filled by the National Aeronautics and Space Administration;

(3) all participants in the ALS program enter into a formal cost-sharing agreement with respect to that program which—

(A) identifies the total costs of the program (stated in both current and constant dollars); and

(B) includes the budgetary resources intended to be dedicated by each participant in the program for each of the fiscal years 1988 through 1992; and

101 STAT. 1067

(4) the Secretary of Defense, with the concurrence of the Administrator of the National Aeronautics and Space Administration, submits to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report on the ALS program that includes—

(A) a copy of the agreement described in paragraph (1);

(B) a detailed description of the management plan described in paragraph (2); and

(C) a copy of the cost-sharing agreement described in paragraph (3).

(b) PAYLOAD COST GOAL.—Any request for proposals issued by the Department of Defense for the ALS program—

(1) shall include as a goal a cost per pound of payload placed in low earth orbit of $300 or less (in constant fiscal year 1987 dollars); and

(2) may not include a request for bids or proposals for an interim capability that would have a higher cost per pound of payload than specified under paragraph (1).

SEC. 257. SPACE LAUNCH RECOVERY

(a) TRANSFER OF FUNDS.—Of the funds appropriated pursuant to section 201 for research, development, test, and evaluation, a total of up to $50,000,000 may be transferred from the Army and the Navy to the Air Force for activities related to space launch recovery.

(b) NOTICE TO CONGRESS.—No transfer of funds may be made under subsection (a) until the Secretary of Defense has notified Congress of the proposed transfer and a period of 30 days has elapsed after the date on which notice of the proposed transfer is received by Congress.

SEC. 258. STUDIES OF NUCLEAR WARHEAD FOR ARMY TACTICAL MISSILE SYSTEM

(a) Funds available to the Department of Defense or to the Department of Energy may be obligated or expended for studies and analyses of the military utility and cost of a nuclear warhead option for the Army Tactical System (ATACMS).

(b) No funds may be obligated or expended for the purpose of developing, testing, producing, or integrating nuclear warheads for the Army Tactical Missile System (ATACMS) unless— Research and development. Federal Republic of Germany.

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Army Tactical Missile System has achieved an initial operational capability with United States Army units permanently stationed in the Federal Republic of Germany;

(2) such development, testing, production, or integration has been specifically authorized by legislation enacted after the date of the enactment of this Act; and

(3) the Secretary of Defense has submitted to the Committees on Armed Services and Appropriations of the Senate and House of Representatives the comprehensive analysis required by section 1001 of the options available to the United States to preserve an adequate theater nuclear capability in Europe if a treaty with respect to intermediate-range nuclear forces (INF) is concluded between the United States and the Soviet Union. Union of Soviet Socialist Republics.

101 STAT. 1068

SEC. 259. SELECTION OF HEAVY TRUCK SYSTEM CONFIGURED WITH PALLETIZED LOADING SYSTEM

(a) COMPETITIVE EVALUATION.—The Secretary of Defense shall carry out a competitive evaluation for a heavy truck system configured with a palletized loading system. The evaluation shall be based on performance specifications for nondevelopmental systems.

(b) SOURCE SELECTION.—After the evaluation under subsection (a) is completed, and not later than 24 months after the enactment of this Act, the Secretary shall select a heavy truck system configured with a palletized loading system. The Under Secretary of Defense for Acquisition shall be the source selection authority with respect to the selection, and the selection shall be based on a hardware competition. The evaluation criteria for such source selection shall provide for equitable consideration of total life-cycle costs, including costs of facilitization.

(c) SITE OF MANUFACTURE AND ASSEMBLY LIMITED.—The heavy truck system configured with the palletized loading system selected under this section (if procured) shall be manufactured and assembled in the United States.

PART F—SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM Science and technology. Computers. 15 USC 4601.

SEC. 271. FINDINGS, PURPOSES, AND DEFINITIONS

(a) FINDINGS.—The Congress finds that it is in the national economic and security interests of the United States for the Department of Defense to provide financial assistance to the industry consortium known as Sematech for research and development activities in the field of semiconductor manufacturing technology.

(b) PURPOSES.—The purposes of this part are—

(1) to encourage the semiconductor industry in the United States—

(A) to conduct research on advanced semiconductor manufacturing techniques; and

(B) to develop techniques to use manufacturing expertise for the manufacture of a variety of semiconductor products; and

(2) in order to achieve the purpose set out in paragraph (1), to provide a grant program for the financial support of semiconductor research activities conducted by Sematech. Grants.

(c) DEFINITIONS.—In this part:

(1) The terms "Advisory Council on Federal Participation in Sematech" and "Council" mean the advisory council established by section 273.

(2) The term "Sematech" means a consortium of firms in the United States semiconductor industry established for the purposes of (A) conducting research concerning advanced semi-

conductor manufacturing techniques, and (B) developing techniques to adapt manufacturing expertise to a variety of semiconductor products.

15 USC 4602. Research and development.

SEC. 272. GRANTS TO SEMATECH

(a) AUTHORITY TO MAKE GRANTS.—The Secretary of Defense shall make grants, in accordance with section 6304 of title 31, United States Code, to Sematech in order to defray expenses incurred by Sematech in conducting research on and development of semiconductor manufacturing technology. The grants shall be made in accordance with a memorandum of understanding entered into under subsection (b).

101 STAT. 1069

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense shall enter into a memorandum of understanding with Sematech for the purposes of this part. The memorandum of understanding shall require the following:

(1) That Sematech have—

(A) a charter agreed to by all representatives of the semiconductor industry that are participating members of Sematech; and

(B) an annual operating plan that is developed in consultation with the Secretary of Defense and the Advisory Council on Federal Participation in Sematech.

State and local governments.

(2) That the total amount of funds made available to Sematech by Federal, State, and local government agencies for any fiscal year for the support of research and development activities of Sematech under this section may not exceed 50 percent of the total cost of such activities.

(3) That Sematech, in conducting research and development activities pursuant to the memorandum of understanding, cooperate with and draw on the expertise of the national laboratories of the Department of Energy and of colleges and universities in the United States in the field of semiconductor manufacturing technology.

Reports.

(4) That an independent, commercial auditor be retained (A) to determine the extent to which the funds made available to Sematech by the United States for the research and development activities of Sematech have been expended in a manner that is consistent with the purposes of this part, the charter of Sematech, and the annual operating plan of Sematech, and (B) to submit to the Secretary of Defense, Sematech, and the Comptroller General of the United States an annual report containing the findings and determinations of such auditor.

Intellectual property. Contracts.

(5) That (A) the Secretary of Defense be permitted to use intellectual property, trade secrets, and technical data owned and developed by Sematech in the same manner as a participant in Sematech and to transfer such intellectual property, trade secrets, and technical data to Department of Defense contractors for use in connection with Department of Defense requirements, and (B) the Secretary not be permitted to transfer such property to any person for commercial use.

(6) That Sematech take all steps necessary to maximize the expeditious and timely transfer of technology developed and owned by Sematech to the participants in Sematech in accordance with the agreement between Sematech and those participants and for the purpose of improving manufacturing productivity of United States semiconductor firms.

Contracts.

(c) CONSTRUCTION OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding entered into under subsection (b) shall not be considered to be a contract for the purpose of any law or regulation relating to the formation, content, and administration of contracts awarded by the Federal Government and subcontracts under such contracts, including section 2306a of title 10, United States Code, section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168), and the Federal Acquisition Regulations, and such provisions of law and regulation shall not apply with respect to the memorandum of understanding.

(d) FUNDING FOR FY88.—Of the amounts appropriated to the Defense Agencies for fiscal year 1988 for research, development, test, and evaluation, $100,000,000 may be obligated only to make grants under this section. 101 STAT. 1070

SEC. 273. ADVISORY COUNCIL 15 USC 4603.

(a) ESTABLISHMENT.—There is established the Advisory Council on Federal Participation in Sematech.

(b) FUNCTIONS.—(1) The Council shall advise Sematech and the Secretary of Defense on appropriate technology goals for the research and development activities of Sematech and a plan to achieve those goals. The plan shall provide for the development of high-quality, high-yield semiconductor manufacturing technologies that meet the national security and commercial needs of the United States.

(2) The Council shall—

(A) conduct an annual review of the activities of Sematech for the purpose of determining the extent of the progress made by Sematech in carrying out the plan referred to in paragraph (1); and

(B) on the basis of its determinations under subparagraph (A), submit to Sematech any recommendations for modification of the plan or the technological goals in the plan considered appropriate by the Council.

(3) The Council shall review the research activities of Sematech and shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives an annual report containing a description of the extent to which Sematech is achieving its research and development goals. Reports.

(c) MEMBERSHIP.—The Council shall be composed of 12 members as follows:

(1) The Under Secretary of Defense for Acquisition, who shall be Chairman of the Council.

(2) The Director of Energy Research of the Department of Energy.

(3) The Director of the National Science Foundation.

(4) The Under Secretary of Commerce for Economic Affairs.

(5) The Chairman of the Federal Laboratory Consortium for Technology Transfer.

(6) Seven members appointed by the President as follows: President of U.S.

(A) Four members who are eminent individuals in the semiconductor industry and related industries.

(B) Two members who are eminent individuals in the fields of technology and defense.

(C) One member who represents small businesses.

(d) TERMS OF MEMBERSHIP.—Each member of the Council appointed under subsection (c)(6) shall be appointed for a term of three years, except that of the members first appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, and three shall be appointed for a term of three years, as designated by the President at the time of appointment. A member of the Council may serve after the expiration of the member's term until a successor has taken office. President of U.S.

(e) VACANCIES.—A vacancy in the Council shall not affect its powers but, in the case of a member appointed under subsection (c)(6), shall be filled in the same manner as the original appointment was made. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. 101 STAT. 1071

(f) QUORUM.—Seven members of the Council shall constitute a quorum.

(g) MEETINGS.—The Council shall meet at the call of the Chairman or a majority of its members.

(h) COMPENSATION.—(1) Each member of the Council shall serve without compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(i) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

15 USC 4604.

SEC. 274. RESPONSIBILITIES OF THE COMPTROLLER GENERAL.

Reports.

The Comptroller General of the United States shall—

(1) review the annual reports of the auditor submitted to the Comptroller General in accordance with section 272(b)(4); and

(2) transmit to the Committees on Armed Services of the Senate and the House of Representatives his comments of the accuracy and completeness of the reports and any additional comments on the report that the Comptroller General considers appropriate.

15 USC 4605.

SEC. 275. EXPORT OF SEMICONDUCTOR MANUFACTURING.

Any export of materials, equipment, and technology developed by Sematech in whole or in part with financial assistance provided under section 272(a) shall be subject to the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and shall not be subject to the Arms Export Control Act.

15 USC 4606.

SEC. 276. PROTECTION OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT.—Section 552 of title 5, United States Code, shall not apply to information obtained by the Federal Government on a confidential basis under section 272(b)(5).

(b) INTELLECTUAL PROPERTY.—Notwithstanding any other provision of law, intellectual property, trade secrets, and technical data owned and developed by Sematech or any of the participants in Sematech may not be disclosed by any officer or employee of the Department of Defense except as provided in the provision included in the memorandum of understanding pursuant to section 272(b)(5).

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) IN GENERAL.—(1) Funds are hereby authorized to be appropriated for fiscal year 1988 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

101 STAT. 1072

For the Army, $21,540,728,000 ($21,367,928,000).
For the Navy, $24,864,027,000 ($24,620,427,000).
For the Marine Corps, $1,887,466,000 ($1,875,066,000).
For the Air Force, $20,730,084,000 ($20,452,384,000).
For the Defense Agencies, $7,424,906,000 ($7,387,475,000).
For the Army Reserve, $862,161,000 ($862,161,000).
For the Naval Reserve, $947,559,000 ($940,754,000).
For the Marine Corps Reserve, $70,254,000 ($68,984,000).
For the Air Force Reserve, $1,014,058,000 ($1,013,858,000).
For the Army National Guard, $1,883,609,000 ($1,868,570,000).
For the Air National Guard, $1,980,151,000 ($1,977,414,000).
For the National Board for the Promotion of Rifle Practice, $4,099,000.
For Defense Claims, $193,574,000.
For the Court of Military Appeals, $3,461,000.
For Environmental Restoration, Defense, $392,800,000.

(2) Funds are hereby authorized to be appropriated for fiscal year 1989 for the use of the Armed Forces and other activities and

agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $21,540,728,000.
For the Navy, $24,864,027,000.
For the Marine Corps, $1,887,466,000.
For the Air Force, $20,730,084,000.
For the Defense Agencies, $7,424,906,000.
For the Army Reserve, $862,161,000.
For the Naval Reserve, $947,559,000.
For the Marine Corps Reserve, $70,254,000.
For the Air Force Reserve, $1,014,058,000.
For the Army National Guard, $1,883,609,000.
For the Air National Guard, $1,980,151,000.
For the National Board for the Promotion of Rifle Practice, $4,099,000.
For Defense Claims, $193,574,000.
For the Court of Military Appeals, $3,461,000.
For Environmental Restoration, Defense, $392,800,000.

(b) GENERAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for each of fiscal years 1988 and 1989, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and
(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a).

SEC. 302. WORKING CAPITAL FUNDS

(a) FISCAL YEAR 1988.—Funds are hereby authorized to be appropriated for fiscal year 1988 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, $215,057,000 ($193,207,000).
For the Navy Stock Fund, $346,700,000 ($329,400,000).
For the Air Force Stock Fund, $259,707,000 ($226,007,000).
For the Defense Stock Fund, $159,750,000 ($132,600,000).

(b) FISCAL YEAR 1989.—Funds are hereby authorized to be appropriated for fiscal year 1989 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, $215,057,000.
For the Navy Stock Fund, $346,700,000.
For the Air Force Stock Fund, $259,707,000.
For the Defense Stock Fund, $159,750,000.

101 STAT. 1073

SEC. 303. LIMITATION ON THE USE OF OPERATION AND MAINTENANCE FUNDS TO PURCHASE INVESTMENT ITEMS

(a) IN GENERAL.—Purchases of an item during fiscal year 1988, 1989, or 1990 with a unit cost equal to or in excess of the investment item unit cost (as defined in subsection (b)) for such fiscal year may not be charged to appropriations made to the Department of Defense for operation and maintenance if purchases of such item during the previous fiscal year were chargeable to appropriations made to the Department of Defense for procurement.

(b) INVESTMENT ITEM UNIT COST.—For purposes of subsection (a), the term "investment item unit cost" means—

(1) with respect to fiscal year 1988 or 1989, $15,000; and
(2) with respect to fiscal year 1990, $5,000.

PART B—PROGRAM CHANGES, REQUIREMENTS, AND LIMITATIONS

SEC. 311. AVAILABILITY OF UNITED STATES PRODUCTS AT DEFENSE PACKAGE STORES OVERSEAS

(a) TREATMENT OF WINES.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2489.

"§ 2489. Overseas package stores: treatment of United States wines

"The Secretary of Defense shall ensure that each nonappropriated-fund activity engaged principally in selling alcoholic beverage products in a packaged form (commonly referred to as a 'package store') that is located at a military installation outside the United States shall give appropriate treatment with respect to wines produced in the United States to ensure that such wines are given, in general, an equitable distribution, selection, and price when compared with wines produced by the host nation.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2489. Overseas package stores: treatment of United States wines.".

10 USC 2489 note.

(b) REGULATIONS DEADLINE.—The Secretary of Defense shall prescribe regulations to implement section 2489 of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 312. NONAPPROPRIATED-FUND BEER AND WINE PURCHASES

(a) PURCHASES FROM SOURCES WITHIN STATE.—Section 2488(a)(2) of title 10, United States Code, is amended by striking out "purchased for resale on a military installation located in the contiguous States".

10 USC 2488 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to purchases of malt beverages and wine after the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 313. PRICING AT COMMISSARY STORES

(a) IN GENERAL.—(1) Section 2486 of title 10, United States Code, is
101 STAT. 1074 amended by adding at the end the following new subsection:

Regulations.

"(d) The Secretary of Defense shall prescribe regulations establishing uniform pricing policies for merchandise authorized for sale by this section. The policies in the regulations shall—

"(1) require the establishment of a sales price of each item of merchandise at a level which will recoup the actual product cost of the item (consistent with this section and sections 2484 and 2685 of this title); and

"(2) promote the lowest practical price of merchandise sold at commissary stores.".

(2) The heading for section 2486 of such title is amended to read as follows:

"§ 2486. Commissary stores: merchandise that may be sold; uniform surcharges and pricing".

(3) The item relating to section 2486 in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2486. Commissary stores: merchandise that may be sold; uniform surcharges and pricing.".

10 USC 2486 note.

(b) REGULATIONS DEADLINE.—The Secretary of Defense shall prescribe the regulations required by section 2486(d) of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—(1) Sections 4621 and 9621 of such title are each amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively.

SEC. 314. LIMITATION ON ARMY DEPOT MAINTENANCE FUNDING

(a) FUNDING REQUIRED FOR ARMY DEPOT MAINTENANCE.—Of the funds appropriated or otherwise made available to the Department of the Army for fiscal year 1988 for depot maintenance functions, not less than 60 percent shall be available for performance of depot maintenance functions performed by military and civilian personnel of the Department of Defense.

(b) DEVIATION AND REPORT.—(1) If the Secretary of the Army determines that the requirement of subsection (a) cannot be met, the Secretary may authorize a deviation from such requirement. If such a deviation is authorized, the Secretary shall promptly submit to the Committees on Armed Services of the Senate and the House of Representatives a report that—

(A) fully describes and justifies the deviation from such requirement;

(B) states the level of spending that will be achieved in lieu of the 60 percent required under subsection (a); and

(C) includes a plan for meeting the same requirement with respect to funds appropriated or otherwise made available to the Department of the Army for fiscal year 1989.

(2) The report shall be submitted as soon as possible after the Secretary authorizes a deviation under paragraph (1).

SEC. 315. CIVILIAN PERSONNEL MANAGEMENT

(a) PROHIBITION ON MANAGEMENT BY END-STRENGTH.—During fiscal year 1988, the civilian personnel of the Department of Defense may not be managed on the basis of any constraint or limitation (known as an "end-strength") and the management of such personnel during that fiscal year shall not be subject to any end-strength on the number of such personnel who may be employed on the last day of such fiscal year. 101 STAT. 1075

(b) WAIVER OF CIVILIAN PERSONNEL CEILINGS.—Section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1988 or with respect to the appropriation of funds for that year.

(c) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives quarterly reports on the obligation of funds appropriated for civilian personnel of the Department of Defense for fiscal year 1988. Each report shall include—

(1) for each appropriation account, the amounts authorized and appropriated for such personnel for fiscal year 1988; and

(2) for each appropriation account and for the entire Department—

(A) the actual number of such personnel employed, and the amount of funds obligated for such personnel, as of the end of each fiscal year quarter described in the report; and

(B) the projected number of such personnel to be employed, and the amount of funds that will be obligated for such personnel, as of the end of fiscal year 1988.

SEC. 316. REPORT ON OPERATING AND SUPPORT COSTS OF MAJOR WEAPONS SYSTEMS

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the operating and support costs of major weapons systems of the Department of Defense.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report required by subsection (a) the following:

(1) An explanation of the reasons why there is a positive correlation between the increase in dollar value of major weapons systems of the Department of Defense and the increase in operating and support costs of the Department, including—

(A) how or whether the programming and budget process has contributed to the relationship; and

(B) how the relationship applies at more detailed levels.

(2) An examination of the link between operating and support costs and readiness of the Department of Defense.

(3) An examination of the feasibility of providing Congress an annual report on the operating and support costs of each major weapon system.

(4) Identification of the specific budget accounts and appropriations which cover the operation and support costs for the major weapons systems.

(5) An examination of the feasibility of treating the operation and support costs of each major weapon system as overhead of the weapon system, to be automatically included in the budget and appropriation for such weapon system.

(c) DEADLINE.—The report required by subsection (a) shall be submitted no later than February 1, 1988.

SEC. 317. REPORT ON EFFORTS TO MEASURE READINESS

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of Department of Defense efforts to—

101 STAT. 1076

(1) identify and measure readiness of the Department of Defense; and

(2) relate such identification and measurement to the budget process.

(b) DEADLINE.—The report required by subsection (a) shall be submitted no later than February 1, 1988.

Transportation.

SEC. 318. AUTHORITY TO PROVIDE FREE SHUTTLE SERVICE FOR MEMBERS AND FAMILIES IN ISOLATED AREAS

(a) AUTHORITY FOR TRANSPORTATION.—Subsection (a) of section 2632 of title 10, United States Code, is amended to read as follows:

"(a)(1) Whenever the Secretary of the military department concerned determines that it is necessary for the effective conduct of the affairs of his department, the Secretary may provide the transportation described in paragraph (2).

"(2) Transportation that may be provided under this subsection is assured and adequate transportation by motor vehicle or water carrier as follows:

"(A) Transportation among places on a military installation (including any subinstallation of a military installation).

"(B) Transportation to and from their places of duty or employment on a military installation for persons covered by this subsection.

"(C) Transportation to and from a military installation for persons covered by this subsection and their dependents, in the case of a military installation located in an area determined by the Secretary concerned not to be adequately served by regularly scheduled, and timely, commercial or municipal mass transit services.

"(D) Transportation to and from their places of employment for persons attached to, or employed in, a private plant that is manufacturing material for that department, but only during a war or a national emergency declared by Congress or the President.

Regulations.

"(3) Except as provided under subsection (b)(3), transportation under this subsection shall be provided at reasonable rates of fare under regulations prescribed by the Secretary of Defense.

"(4) Persons covered by this subsection, in the case of any military installation, are members of the armed forces, employees of the military department concerned, and other persons attached to that department who are assigned to or employed at that installation.".

(b) WAIVER OF FARE REQUIREMENT.—Subsection (b) of such section is amended—

(1) by striking out "(2)(A)" and inserting in lieu thereof "(2)";

(2) by striking out subparagraph (B) of paragraph (2) and inserting in lieu thereof the following:

"(3) In providing transportation described in subsection (a)(2)(A) at any military installation, the Secretary concerned may not require a fare for the transportation of members of the armed forces if the transportation is incident to the performance of duty. In providing transportation described in subsection (a)(2)(C) to and from any military installation, the Secretary concerned (under regulations prescribed under subsection (a)(3)) may waive any requirement for a fare."; and

(3) by redesignating subparagraph (C) at the end of such subsection as paragraph (4). 101 STAT. 1077

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (b) of such section is further amended—

(1) in paragraph (1), by striking out "Transportation may not be provided under subsection (a)(2)" and inserting in lieu thereof "Transportation described in subparagraphs (B), (C), and (D) of subsection (a)(2) may not be provided";

(2) in paragraph (2) (as designated by subsection (b)(1)), by striking out "transportation at any military installation under subsection (a)(1)" and inserting in lieu thereof "transportation described in subsection (a)(2)(A) at any military installation"; and

(3) in paragraph (4) (as designated by subsection (b)(3)), by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

(d) DEADLINE FOR REGULATIONS.—Regulations to implement the amendments to section 2632 of title 10, United States Code, made by this section shall be prescribed not later than 90 days after the date of the enactment of this Act. 10 USC 2632 note

SEC. 319. OPERATION OF UNITED STATES ARMY SCHOOL OF THE AMERICAS

(a) IN GENERAL.—(1) Chapter 407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4415. United States Army School of the Americas 10 USC 4415

"(a) The Secretary of the Army may operate the military education and training facility known as the United States Army School of the Americas.

"(b) The School for the Americas shall be operated for the purpose of providing military education and training to military personnel of Central and South American countries and Caribbean countries.

"(c) The fixed costs of operating and maintaining the School for the Americas may be paid from funds available for operation and maintenance of the Army.

"(d) Tuition fees charged for personnel receiving military education and training from the school may not include the fixed costs of operating and maintaining the school.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4415. United States Army School of the Americas.".

(b) EFFECTIVE DATE.—Section 4415 of title 10, United States Code, as added by subsection (a), shall take effect as of October 1, 1987. 10 USC 4415 note

SEC. 320. AUTHORITY TO REPAIR AND MAINTAIN CERTAIN MEMORIALS AND HISTORIC SITES ON THE ISLAND OF CORREGIDOR Philippines

(a) AUTHORITY.—The Secretary of Defense may repair and maintain memorial monuments and historic sites on the Island of Corregidor in the Republic of the Philippines which relate to involvement of the Armed Forces of the United States in the Philippines.

(b) FY88 AUTHORIZATION.—For the purpose described in subsection (a), the Secretary may use not more than $100,000 of the funds appropriated under section 301 for operation and maintenance of the Navy. 101 STAT. 1078

SEC. 321. COMPTROLLER GENERAL STUDY OF CENSORSHIP OF STARS AND STRIPES NEWSPAPER

(a) STUDY.—The Comptroller General of the United States shall conduct a study of allegations of censorship by military commanders of the Department of Defense newspaper, Stars and Stripes.

(b) REPORT.—The Comptroller General shall transmit to Congress a report on the results of such study not later than 90 days after the date of the enactment of this Act. Such report shall include the findings of the Comptroller General regarding the validity of the allegations and any recommendation concerning those allegations which the Comptroller General considers to be appropriate.

SEC. 322. LIMITATION ON OPERATION OF EXISTING POSEIDON-CLASS SUBMARINE USS ANDREW JACKSON

Effective as of March 1, 1988, no funds appropriated to the Department of Defense for fiscal year 1988 or a prior year may be obligated or expended to overhaul, operate, maintain, or deploy the USS Andrew Jackson (SSBN 619).

PART C—HUMANITARIAN AND OTHER ASSISTANCE

SEC. 331. EXTENSION OF AUTHORIZATION FOR HUMANITARIAN ASSISTANCE

(a) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1988 the sum of $13,000,000 for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of this sum, not more than $3,000,000 is authorized to be used for distribution of humanitarian relief supplies to the non-Communist resistance organizations at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense is authorized to transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to the authorization in this section to provide for (1) paying for administrative costs of providing the transportation described in subsection (a), and (2) the purchase or other acquisition of transportation assets for the distribution of relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation provided with funds appropriated pursuant to the authorization in this section shall be under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in this section shall be by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to use means other than the most economical available. Such means may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, to the extent provided in appropriations Acts.

(f) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives two reports, one of which shall be submitted not later than 60 days after the date of the enactment of this Act and the other not later than June 1, 1988. Each such report shall contain (as of the date on which the report is submitted) the following information:

101 STAT. 1079

(1) The total amount of funds obligated for humanitarian relief under this section and section 331 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3856).

(2) The number of scheduled and completed flights for purposes of providing humanitarian relief under this section and section 331 of such Act.

(3) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department

of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

SEC. 332. EXTENSION AND CODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO FOREIGN COUNTRIES

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 402. Transportation of humanitarian relief supplies to foreign countries

10 USC 402.

"(a) Notwithstanding any other provision of law, and subject to subsection (b), the Secretary of Defense may transport to any country, without charge, supplies which have been furnished by a nongovernmental source and which are intended for humanitarian assistance. Such supplies may be transported only on a space available basis.

"(b)(1) The Secretary may not transport supplies under subsection (a) unless the Secretary determines that—

"(A) the transportation of such supplies is consistent with the foreign policy of the United States;

"(B) the supplies to be transported are suitable for humanitarian purposes and are in usable condition;

"(C) there is a legitimate humanitarian need for such supplies by the people for whom they are intended;

"(D) the supplies will in fact be used for humanitarian purposes; and

"(E) adequate arrangements have been made for the distribution of such supplies in the destination country.

"(2) The President shall establish procedures for making the determinations required under paragraph (1). Such procedures shall include inspection of supplies before acceptance for transport.

President of U.S.

"(3) It shall be the responsibility of the donor to ensure that supplies to be transported under this section are suitable for transport.

"(c)(1) Supplies transported under this section may be distributed by an agency of the United States Government, a foreign government, an international organization, or a private nonprofit relief organization.

"(2) Supplies transported under this section may not be distributed, directly or indirectly, to any individual, group, or organization engaged in a military or paramilitary activity.

101 STAT. 1080

"(d) At the end of each six-month period, the Secretary of State shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report identifying the origin, contents, destination, and disposition of all supplies transported under this section during such six-month period.".

Reports.

(b) CONFORMING AMENDMENTS.—(1) Section 401 of such title is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"§ 401. Humanitarian and civic assistance provided in conjunction with military operations";

(B) in subsection (a)—

(i) by inserting "(1)" after "(a)"; and

(ii) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(C) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively.

(2) Section 402 of such title (as in effect on the day before the date of the enactment of this section) is amended—

(A) by striking out the section heading; and

(B) by designating the text following such heading as subsection (b).

(3) Section 403 of such title is amended—

(A) by striking out the section heading;

(B) by redesignating subsection (a) as subsection (c)(1); and

(C) by redesignating subsection (b) as paragraph (2).

(4) Sections 404, 405, and 406 of such title are amended—

(A) by striking out the section headings; and

(B) by designating the text following such headings as subsections (d), (e), and (f), respectively.

(5) Section 401 of such title (as amended by this subsection) is further amended by striking out "chapter" each place it appears and inserting in lieu thereof "section".

(6) The chapter heading and table of sections at the beginning of such chapter are amended to read as follows:

"CHAPTER 20—HUMANITARIAN AND OTHER ASSISTANCE

"Sec.

"401. Humanitarian and civic assistance provided in conjunction with military operations.

"402. Transportation of humanitarian relief supplies to foreign countries.".

(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle are each amended by striking out the item relating to chapter 20 and inserting in lieu thereof the following:

"20. Humanitarian and Other Assistance ..... 401".

10 USC 402 note.

(d) FIRST REPORT DEADLINE.—The first report under section 402(d) of title 10, United States Code, as added by subsection (a), shall be submitted not more than six months after the date on which the most recent report was submitted under section 1540(e) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2638).

101 STAT. 1081

TITLE IV—PERSONNEL AUTHORIZATIONS FOR FISCAL YEARS 1988 AND 1989

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES

(a) FISCAL YEAR 1988.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1988, as follows:

(1) The Army, 780,900.

(2) The Navy, 593,200.

(3) The Marine Corps, 199,600.

(4) The Air Force, 598,700.

(b) FISCAL YEAR 1989.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1989, in the same numbers as specified in subsection (a).

10 USC 521 note.

SEC. 402. STRENGTH OF ACTIVE-DUTY OFFICER CORPS

(a) AUTHORITY TO INCREASE FOR FISCAL YEAR 1988.—Subject to subsection (b), the Secretary of Defense may increase by not more than 1 percentage point (to not more than 98 percent) the percentage limitation prescribed in section 403(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859) applicable to the total number of commissioned officers of the Army, Navy, Air Force, and Marine Corps that may be serving on active duty as of September 30, 1988.

(b) CERTIFICATION AND REPORT.—The Secretary may exercise the authority under subsection (a) only if—

(1) the Secretary makes a determination that such increase is

necessary in order to avoid severe personnel management problems in the Army, Navy, Air Force, and Marine Corps during fiscal year 1988 and certifies such determination to the Committees on Armed Services of the Senate and the House of Representatives; and

(2) the Secretary submits to those Committees with such certification a report providing legislative recommendations for temporary changes in chapter 36 of title 10, United States Code, and other provisions of law enacted by the Defense Officer Personnel Management Act (Public Law 96-513) that the Secretary considers necessary in order to implement the required officer reductions under such section 403 with the least possible adverse effect on the Armed Forces.

(c) REALLOCATION OF REDUCTIONS.—(1) If the Secretary exercises the authority under subsection (a)—

(A) in lieu of the total number of commissioned officers serving on active duty as prescribed in the table in section 403(a) of the National Defense Authorization Act for Fiscal Year 1987, the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, and Marine Corps as of September 30, 1989, may not exceed the number equal to 96 percent of the total number of such officers serving on active duty as of September 30, 1986; and

(B) the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, and Marine Corps as of September 30, 1990, may not exceed the number equal to 94 percent of the total number of such officers serving on active duty as of September 30, 1986. 101 STAT. 1082

(2) In computing the authorized strength of commissioned officers under paragraph (1), officers in the categories described in section 403(b) of the National Defense Authorization Act for Fiscal Year 1987 shall be excluded.

SEC. 403. REDUCTION IN AUTHORIZATION BASED ON SAVINGS

Amounts authorized to be appropriated for fiscal year 1988 for military personnel of the Department of Defense are reduced, by reason of savings attributable to reductions during fiscal year 1987 in the number of commissioned officers on active duty required by section 403(a) of National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), as follows:

(1) For "Military Personnel, Army", $49,438,000.
(2) For "Military Personnel, Navy", $46,461,000.
(3) For "Military Personnel, Air Force", $50,057,000.
(4) For "Military Personnel, Marine Corps", $9,080,000.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE 10 USC 261 note.

(a) FISCAL YEAR 1988.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1988, as follows:

(1) The Army National Guard of the United States, 457,270.
(2) The Army Reserve, 324,300.
(3) The Naval Reserve, 152,600.
(4) The Marine Corps Reserve, 43,600.
(5) The Air National Guard of the United States, 115,900.
(6) The Air Force Reserve, 82,400.
(7) The Coast Guard Reserve, 14,000.

(b) FISCAL YEAR 1989.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1989, in the same numbers as specified in subsection (a).

(c) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength prescribed by subsection (a) or subsection (b) by not more than 4 percent.

(d) ADJUSTMENTS.—The end strengths prescribed by subsections (a) and (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

101 STAT. 1083

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

Within the strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1988, and as of September 30, 1989, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,725.
(2) The Army Reserve, 13,329.
(3) The Naval Reserve, 21,991.
(4) The Marine Corps Reserve, 1,945.
(5) The Air National Guard of the United States, 7,836.
(6) The Air Force Reserve, 669.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

(a) SENIOR ENLISTED MEMBERS.—(1) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	517	175	125	13
E-8	2,295	390	425	74".

(2) Effective on October 1, 1988, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	529	180	150	13
E-8	2,350	400	425	74".

(b) OFFICERS.—(1) The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	2,550	850	575	105
Lieutenant Colonel or Commander	1,152	520	322	70
Colonel or Navy Captain	348	185	184	25".

(2) Effective on October 1, 1988, that table is amended to read as follows:

101 STAT. 1084

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	2,600	875	575	110
Lieutenant Colonel or Commander	1,250	520	322	75
Colonel or Navy Captain	348	185	190	25".

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS

(a) IN GENERAL.—The components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army:
  (A) 82,503, for fiscal year 1988.
  (B) 81,320, for fiscal year 1989.
(2) The Navy:
  (A) 68,993, for fiscal year 1988.
  (B) 70,044, for fiscal year 1989.
(3) The Marine Corps:
  (A) 20,341, for fiscal year 1988.
  (B) 19,873, for fiscal year 1989.
(4) The Air Force:
  (A) 38,574, for fiscal year 1988.
  (B) 39,972, for fiscal year 1989.
(5) The Army National Guard of the United States:
  (A) 18,501, for fiscal year 1988.
  (B) 19,707, for fiscal year 1989.
(6) The Army Reserve:
  (A) 15,075, for fiscal year 1988.
  (B) 15,950, for fiscal year 1989.
(7) The Naval Reserve:
  (A) 2,841, for fiscal year 1988.
  (B) 2,841, for fiscal year 1989.
(8) The Marine Corps Reserve:
  (A) 3,970, for fiscal year 1988.
  (B) 3,977, for fiscal year 1989.
(9) The Air National Guard of the United States:
  (A) 2,508, for fiscal year 1988.
  (B) 2,366, for fiscal year 1989.
(10) The Air Force Reserve:
  (A) 1,968, for fiscal year 1988.
  (B) 1,965, for fiscal year 1989.

(b) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—APPROPRIATION LIMITATION

SEC. 431. LIMITATION ON APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1988

The total amount appropriated for military personnel of the Department of Defense for fiscal year 1988 may not exceed
101 STAT. 1085 $77,491,000,000 ($77,109,000,000).

TITLE V—MILITARY PERSONNEL

SEC. 501. EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

(a) TWO-YEAR EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1989".

10 USC 5721 note.

(b) SAVINGS PROVISION.—(1) The Secretary of the Navy shall provide, in the case of an officer appointed to the grade of lieutenant commander on or after the date of the enactment of this Act under an appointment described in paragraph (2), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(2) An appointment referred to in paragraph (1) is an appointment under section 5721 of title 10, United States Code, that (as determined by the Secretary of the Navy) would have been made during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 502. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS

(a) GRADE DETERMINATION AUTHORITY FOR RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1989".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—(1) Sections 3380(d) and 8380(d) of such title are amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1989".

10 USC 3380 note.

(2) The Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher reserve grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

10 USC 3380 note.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Effective as of October 1, 1987, section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1989".

SEC. 503. EXTENSION OF SINGLE-PARENT ENLISTMENT AUTHORITY IN RESERVE COMPONENTS

10 USC 510 note.

Section 523(d) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3871) is amended by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1989".

SEC. 504. AUTHORITY TO AWARD DEGREE OF MASTER OF LAWS IN MILITARY LAW 101 STAT. 1086

(a) ARMY JUDGE ADVOCATE GENERAL'S SCHOOL.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4315. The Judge Advocate General's School: master of laws in military law 10 USC 4315.

"Under regulations prescribed by the Secretary of the Army, the Commandant of the Judge Advocate General's School of the Army may, upon recommendation by the faculty of such school, confer the degree of master of laws (LL.M.) in military law upon graduates of the school who have fulfilled the requirements for that degree.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4315. The Judge Advocate General's School: master of laws in military law.".

SEC. 505. WITHHOLDING OF STATE AND LOCAL INCOME TAXES FOR NATIONAL GUARD AND RESERVE DRILL PAY

Subchapter II of chapter 55 of title 5, United States Code, is amended—

(1) by striking out "do not" in section 5517(d); and

(2) by inserting "(other than service described in section 5517(d) of this title)" in the third sentence of section 5520(a) after "Armed Forces".

SEC. 506. ONE-YEAR DELAY IN MINIMUM PERCENTAGE OF AIR FORCE ENLISTEES REQUIRED TO BE WOMEN

Section 551(a) of the Department of Defense Authorization Act, 1985 (10 U.S.C. 8251 note), is amended by striking out "fiscal year 1988" and inserting in lieu thereof "fiscal year 1989".

SEC. 507. STUDY OF WARTIME MOBILIZATION REQUIREMENTS OF THE COAST GUARD

(a) 10-YEAR PLAN.—The Secretary of Transportation shall submit to Congress a plan to enable the Coast Guard to meet 95 percent of its wartime mobilization requirements by September 30, 1998. Such plan shall include recommendations with respect to—

(1) annual increases in authorized end strengths for Coast Guard Selected Reserve personnel;

(2) recruiting and training resources; and

(3) equipment and other logistic support necessary to enable the Coast Guard to meet that requirement.

(b) DEADLINE.—The plan required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act.

SEC. 508. WEARING OF RELIGIOUS APPAREL BY MEMBERS OF THE ARMED FORCES WHILE IN UNIFORM

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 774 as section 775; and

(2) by inserting after section 773 the following new section 774: 101 STAT. 1087

"§ 774. Religious apparel: wearing while in uniform 10 USC 774.

"(a) GENERAL RULE.—Except as provided under subsection (b), a member of the armed forces may wear an item of religious apparel while wearing the uniform of the member's armed force.

"(b) EXCEPTIONS.—The Secretary concerned may prohibit the wearing of an item of religious apparel—

"(1) in circumstances with respect to which the Secretary

determines that the wearing of the item would interfere with the performance of the member's military duties; or

"(2) if the Secretary determines, under regulations under subsection (c), that the item of apparel is not neat and conservative.

"(c) REGULATIONS.—The Secretary concerned shall prescribe regulations concerning the wearing of religious apparel by members of the armed forces under the Secretary's jurisdiction while the members are wearing the uniform. Such regulations shall be consistent with subsections (a) and (b).

"(d) RELIGIOUS APPAREL DEFINED.—In this section, the term 'religious apparel' means apparel the wearing of which is part of the observance of the religious faith practiced by the member.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 774 and inserting in lieu thereof the following:

"774. Religious apparel: wearing while in uniform.
"775. Applicability of chapter.".

10 USC 774 note.

(c) REGULATIONS.—The Secretary concerned shall prescribe the regulations required by section 774(c) of title 10, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 509. MILITARY EDUCATION PROGRAM FOR ARMY NATIONAL GUARD CIVILIAN TECHNICIANS

(a) RELATIONSHIP TO MILITARY PROMOTIONS.—A civilian technician of the Army National Guard who is unable to complete required training under the Military Education Program for civilian technicians of the Army National Guard established on August 1, 1985, may not be denied a military promotion solely by reason of the failure to complete such training if the reason for such failure was solely lack of availability of training spaces.

(b) REPORT.—Not later than February 15, 1988, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Military Education Program referred to in subsection (a). The report shall describe—

(1) the cost effectiveness of the program;

(2) the effect of the program on readiness; and

(3) the effect of the program on the sick leave, annual leave, and other benefits of civilian technicians of the Army National Guard and any resulting effect on their morale.

SEC. 510. REMOVAL OF STATUTORY MILITARY DEPARTMENT CEILINGS ON NUMBER OF ROTC SCHOLARSHIPS

Subsection (h) of section 2107 of title 10, United States Code, is amended to read as follows:

"(h) Not more than 29,500 cadets and midshipmen appointed under this section may be in the financial assistance programs at any one time. The Secretary of Defense shall determine the number of cadets and midshipmen appointed under this section who may be in the financial assistance programs at any one time in each military department.".

101 STAT. 1088

SEC. 511. LIMITED AUTHORITY TO TRANSFER AMONG SERVICES GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL

(a) IN GENERAL.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

President of U.S.

"(c)(1) Subject to paragraph (3), the President—

"(A) may make appointments in the Army, Air Force, and Marine Corps in the grade of lieutenant general and in the Army and Air Force in the grade of general in excess of the applicable numbers determined under subsection (b)(1), and may make appointments in the Marine Corps in the grade of general in addition to the Commandant and Assistant Com-

mandant, if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

"(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under subsection (b)(2) if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

"(2) For each appointment made under the authority of paragraph (1) in the Army, Air Force, or Marine Corps in the grade of lieutenant general or general or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the armed force in which the reduction required by this paragraph is to be made. President of U.S.

"(3)(A) The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b).

"(B) The number of officers that may be serving on active duty in the grades of general and admiral by reason of appointments made under the authority of paragraph (1) may not exceed the number equal to 15 percent of the total number of general officers and flag officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps.

"(4) Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that armed force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another armed force by reason of that increase shall no longer be in effect.".

(b) SAVINGS PROVISION.—An officer of the Armed Forces on active duty holding an appointment in the grade of lieutenant general or vice admiral or general or admiral on September 30, 1987, shall not have that appointment terminated by reason of the numerical limitations determined under section 525(b) of title 10, United States Code. In the case of an officer of the Marine Corps serving in the grade of general by reason of an appointment authorized by section 511(3) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3869), that appointment shall not be terminated except as provided in section 601 of title 10, United States Code. 10 USC 525 note. 101 STAT. 1089

SEC. 512. ADVANCE IN RETIRED GRADE AFTER 30 YEARS OF SERVICE FOR CERTAIN MEMBERS

(a) ARMY.—Section 3964 of title 10, United States Code, is amended to read as follows:

"§ 3964. Higher grade after 30 years of service: warrant officers and enlisted members

"(a) Each retired member of the Army covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Army.

"(b) This section applies to—

"(1) warrant officers of the Army;

"(2) enlisted members of the Regular Army; and

"(3) reserve enlisted members of the Army who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time National Guard duty).".

(b) NAVY AND MARINE CORPS.—Chapter 571 of such title is amended by adding at the end the following new sections:

10 USC 6334

"§ 6334. Higher grade after 30 years of service: warrant officers and enlisted members

"(a) Each member of the naval service covered by subsection (b) who, after the date of the enactment of this section, is retired with less than 30 years of active service or is transferred to the Fleet Reserve or Fleet Marine Corps Reserve is entitled, when his active service plus his service on the retired list or his service in the Fleet Reserve or the Fleet Marine Corps Reserve totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Navy.

"(b) This section applies to—

"(1) warrant officers of the naval service;

"(2) enlisted members of the Regular Navy and Regular Marine Corps; and

"(3) reserve enlisted members of the Navy and Marine Corps who, at the time of retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, are serving on active duty.

"(c) An enlisted member of the naval service who is advanced on the retired list under this section is entitled to recompute his retired or retainer pay under formula A of the following table, and a warrant officer of the naval service so advanced is entitled to recompute his retired pay under formula B of that table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.

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"Formula	Column 1 Take	Column 2 Multiply by
A	Retired pay base as computed under section 1406(d) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years creditable for his retainer or retired pay at the time of retirement.[1]
B	Retired pay base as computed under section 1406(d) of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 1405 of this title.

[1] In determining the retired pay multiplier, credit each full month of service that is in addition to the number of full years of service creditable to the member as 1/12 of a year and disregard any remaining fractional part of a month.

10 USC 6335

"§ 6335. Restoration to former grade: warrant officers and enlisted members

"Each retired warrant officer or enlisted member of the naval service who has been advanced on the retired list to a higher commissioned grade under section 6334 of this title, and who applies to the Secretary of the Navy within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted status, as the case may be.".

(c) AIR FORCE.—Section 8964 of title 10, United States Code, is amended to read as follows:

"§ 8964. Higher grade after 30 years of service: warrant officers and enlisted members

"(a) Each retired member of the Air Force covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a

member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Air Force.

"(b) This section applies to—

"(1) warrant officers of the Air Force;

"(2) enlisted members of the Regular Air Force; and

"(3) reserve enlisted members of the Air Force who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time duty).".

(d) CONFORMING AMENDMENTS.—(1) Sections 3965 and 3966(b)(2) of such title are amended by striking out "Regular".

(2) Section 1406(d) of such title is amended—

(A) by inserting "or 6334" after "6151"; and

(B) by adding at the end of the table in such section the following:

"6334	Basic pay of the grade to which the member is advanced under section 6334.".

(3) Sections 8965 and 8966(b)(2) of such title are amended by striking out "Regular".

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(e) CLERICAL AMENDMENTS.—(1) The item relating to section 3964 in the table of sections at the beginning of chapter 369 of such title is amended to read as follows:

"3964. Higher grade after 30 years of service: warrant officers and enlisted members.".

(2) The table of sections at the beginning of chapter 571 of such title is amended by adding at the end the following new items:

"6334. Higher grade after 30 years of service: warrant officers and enlisted members.

"6335. Restoration to former grade: warrant officers and enlisted members.".

(3) The item relating to section 8964 in the table of sections at the beginning of chapter 869 of such title is amended to read as follows:

"8964. Higher grade after 30 years of service: warrant officers and enlisted members.".

(f) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall apply to any reserve enlisted member who completes 30 years of service in the Armed Forces before, on, or after the date of the enactment of this Act. No person may be paid retired pay at a higher rate by reason of the enactment of this Act for any period before the date of the enactment of this Act.

10 USC 3964 note.

SEC. 513. TESTING FOR DRUG, CHEMICAL, AND ALCOHOL USE AND DEPENDENCY BEFORE ENTRY INTO THE ARMED FORCES

(a) MANDATORY TESTING.—(1) Section 978 of title 10, United States Code, is amended to read as follows:

"§ 978. Mandatory testing for drug, chemical, and alcohol abuse

"(a) Before a person becomes a member of the armed forces, such person shall be required to undergo testing for drug, chemical, and alcohol use and dependency.

"(b) A person who refuses to consent to testing required by subsection (a) may not be accepted for an original enlistment in the armed forces or given an original appointment as an officer in the armed forces unless that person consents to such testing.

"(c) A person determined, as the result of testing conducted under subsection (a), to be dependent on drugs, chemicals, or alcohol shall be—

"(1) denied entrance into the armed forces; and

"(2) referred to a civilian treatment facility.

"(d) The testing required by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Transportation. Those regulations shall apply uniformly throughout the armed forces.".

Regulations.

(2) The item relating to that section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"978. Mandatory testing for drug, chemical, and alcohol abuse.".

Regulations.
10 USC 978 note.

(b) IMPLEMENTATION.—(1) The Secretary of Defense shall prescribe regulations for the implementation of section 978 of title 10, United States Code, as amended by subsection (a), not later than 45 days after the date of the enactment of this Act.

(2) The effective date for initiation of the testing program prescribed by that section shall be no later than 180 days after the date of the enactment of this Act.

101 STAT. 1092

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1988

37 USC 1009 note.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1988 shall not be made.

37 USC 1009 note.

(b) THREE PERCENT INCREASE IN BASIC PAY AND BAS.—The rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 3 percent effective on January 1, 1988.

37 USC 403 note.

(c) INCREASE IN BAQ.—(1) The rates of basic allowance for quarters for members of the uniformed services are increased by 6 percent effective on January 1, 1988.

(2) If as of January 1, 1988, there has not been enacted legislation as described in section 3(c), then the percentage increase in the rates of basic allowance for quarters for members of the uniformed services to take effect on that date under paragraph (1) shall be 3 percent (rather than the percentage specified in that paragraph).

(d) THREE PERCENT INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective January 1, 1988, section 203(c)(1) of title 37, United States Code, is amended by striking out "$494.40" and inserting in lieu thereof "$509.10".

SEC. 602. GAO REPORT ON FAIRNESS OF MILITARY HOUSING ALLOWANCES

(a) GAO REVIEW.—The Comptroller General shall review the following:

(1) The military housing allowance system as it pertains to dual-service couples and divorced members of the uniformed services. For purposes of the review, a dual-service couple is a married couple of which both spouses are members of a uniformed service serving on active duty.

(2) All studies previously conducted by the Department of Defense on the military housing allowance system, including the legislative history of the existing provisions of law providing for the basic allowance for quarters and the variable housing allowance (37 U.S.C. 403 and 403a).

(b) REPORT.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under subsection (a). The report shall include recommendations for appropriate changes in legislation and regulations to promote fairness in—

(1) the compensation for military housing of a dual-service couple in comparison to the compensation for military housing of a married couple of which one spouse is a member of a uniformed service serving on active duty and the other spouse is a civilian; and

(2) the compensation for military housing of divorced members of the uniformed services in comparison to the compensa-

tion for military housing of other unmarried members of the uniformed services.

(c) DEADLINE.—The report required by subsection (b) shall be submitted by March 1, 1988. 101 STAT. 1093

PART B—TRAVEL AND TRANSPORTATION

SEC. 611. ALLOWANCE FOR CIVILIAN CLOTHING

(a) IN GENERAL.—(1) Chapter 7 of title 37, United States Code, is amended—

(A) by redesignating sections 419 and 420 as sections 420 and 421, respectively; and

(B) by inserting after section 418 the following new section:

"§ 419. Civilian clothing allowance

Regulations. 37 USC 419

"Under regulations prescribed by the Secretary of Defense, a member of an armed force who is assigned to a permanent duty station at a location outside the United States is entitled to a civilian clothing allowance in such amount as the Secretary shall determine under regulations if such member is required to wear civilian clothing all or a substantial portion of the time in the performance of the member's official duties. A clothing allowance under this section is in addition to any uniform allowance to which a member is otherwise entitled under this title.".

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 419 and 420 and inserting in lieu thereof the following:

"419. Civilian clothing allowance.
"420. Allowances while participating in international sports.
"421. Allowances: no increase while dependent is entitled to basic pay.".

(b) EFFECTIVE DATE.—Section 419 of title 37, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act. No member may be paid a clothing allowance under such section for any period before such date. 37 USC 419 note

SEC. 612. REIMBURSEMENT FOR ACTUAL LODGING EXPENSES PLUS PER DIEM FOR MEMBERS ENTITLED TO TRAVEL ALLOWANCES

(a) REPEAL.—Section 614(b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3879) is repealed. 37 USC 404 note

(b) NEW EFFECTIVE DATE.—(1) The amendments made by section 614(a) of the National Defense Authorization Act for Fiscal Year 1987 shall be implemented by the Secretaries concerned (as defined in section 101(5) of title 37, United States Code) not later than 90 days after the date of the enactment of this Act and shall apply with respect to travel performed on or after the date of implementation. 37 USC 404 note

(2) Section 8(a) of the Defense Technical Corrections Act of 1987 (Public Law 100-26; 101 Stat. 284) is amended by striking out ", and such amendments shall be effective as provided in section 614(b) of the Defense Authorization Act". 37 USC 404 and note

SEC. 613. AUTHORIZATION TO PAY DISLOCATION ALLOWANCE IN ADVANCE

Section 407 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(f) An allowance payable under this section may be paid in advance.".

SEC. 614. TRANSPORTATION ALLOWANCE TO ENCOURAGE VOLUNTARY EXTENSIONS OF TOURS OF DUTY IN FOREIGN COUNTRIES

(a) IN GENERAL.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411f the following new section:

37 USC 411g

"§ 411g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty

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Regulations.

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who—

"(1) is stationed outside the United States; and

"(2) voluntarily agrees to extend his overseas tour of duty for a period equal to at least one-half of the overseas tour prescribed for his permanent duty station;

is entitled to the transportation allowance described in subsection (b) for himself and each dependent who is authorized to, and does, accompany him.

"(b) The transportation allowance authorized by subsection (a) is an allowance provided—

"(1) in connection with authorized leave; and

"(2) for the cost of transportation—

"(A) from a member's permanent duty station to a place approved by the Secretary concerned and from that place to his permanent duty station; or

"(B) from a member's permanent duty station to a place no farther distant than his home of record (if he is a member without dependents) and from that place to his permanent duty station.

"(c) The transportation allowance authorized by subsection (a) may not be provided to an enlisted member who, with respect to an extension of duty described in subsection (a)—

"(1) elects to receive special pay under section 314 of this title for duty performed during such extension of duty; or

"(2) elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 for such extension of duty.

"(d) The authority under this section shall expire on October 1, 1989.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411f the following new item:

"411g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty".

37 USC 411g note.

(b) EFFECTIVE DATE.—Section 411g of title 37, United States Code, as added by subsection (a), shall apply with respect to agreements to extend overseas tours of duty made after the date of the enactment of this Act.

37 USC 411g note.

(c) GAO REVIEW AND REPORT.—(1) The Comptroller General shall review implementation of section 411g of such title after such section has been in effect for one year, for the purpose of comparing—

(A) the total cost to the Department of Defense of the transportation allowance allowed under such section; with

(B) the total cost that would have been incurred by the Department of Defense over such period if such section had not been in effect, including the costs of more frequent moves by members in connection with permanent station changes.

(2) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such review no later than March 1, 1989.

101 STAT. 1095

(d) CLARIFICATION OF TYPE OF LEAVE FOR WHICH CERTAIN TRANSPORTATION ALLOWANCE IS GRANTED.—(1) Subsection (a)(2) of section 411b of such title is amended by striking out "the first time the member is granted leave." and inserting in lieu thereof the following: "the time the member is first granted leave—

37 USC 411b.

"(A) which is to be taken away from the member's permanent duty station; and

"(B) for which a travel and transportation allowance is not otherwise authorized.".

(2) The heading of such section is amended to read as follows:

"§ 411b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours".

(3) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.".

SEC. 615. TRANSPORTATION OF FAMILY MEMBERS OF SERIOUSLY ILL OR INJURED MEMBER.

(a) IN GENERAL.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411g, as added by section 614, the following new section:

"§ 411h. Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members 37 USC 411h.

"(a)(1) Under uniform regulations prescribed by the Secretaries concerned, transportation described in subsection (c) may be provided for not more than two family members of a member described in paragraph (2) if the attending physician or surgeon and the commander or head of the military medical facility exercising military control over the member determine that the presence of the family member is necessary for the member's health and welfare.

"(2) A member referred to in paragraph (1) is a member of the uniformed services who—

"(A) is serving on active duty;

"(B) is seriously ill or seriously injured; and

"(C) is hospitalized in a medical facility in or outside the United States.

"(b)(1) In this section, the term 'family member', with respect to a member, means—

"(A) the member's spouse;

"(B) children of the member (including stepchildren, adopted children, and illegitimate children);

"(C) parents of the member or persons in loco parentis to the member, as provided in paragraph (2); and

"(D) siblings of the member.

"(2) Parents of a member or persons in loco parentis to a member include fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service. However, only one father and one mother or their counterparts in loco parentis may be recognized in any one case. 101 STAT. 1096

"(c) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member and the location of the medical facility in which the member is hospitalized.

"(d)(1) The transportation authorized by subsection (a) may be provided by any of the following means:

"(A) Transportation in-kind.

"(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

"(C) Reimbursement for the commercial cost of transportation.

"(2) An allowance payable under this subsection may be paid in advance.

"(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411g (as added by section 614) the following new item:

"411h. Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members.".

37 USC 411h note.

(b) EFFECTIVE DATE.—The authority to provide transportation or to pay transportation expenses under section 411h of title 37, United States Code, as added by subsection (a), shall be effective only with respect to travel that occurs on or after the effective date of regulations prescribed under such section.

SEC. 616. AUTHORITY TO TRANSPORT VEHICLES LEASED BY MEMBERS OF THE ARMED FORCES

(a) PCS MOVES.—Section 2634 of title 10, United States Code, is amended—

(1) by inserting "or leased" after "owned" both places it appears in the matter in subsection (a) preceding paragraph (1); and

(2) by adding at the end the following new subsection:

"(e) The Secretary of Defense (and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations limiting those leased motor vehicles that may be transported pursuant to this section based upon the length of the lease and other terms and conditions of the lease that the Secretary considers appropriate.".

(b) OTHER MOVES.—Section 406(h)(1)(B) of title 37, United States Code, is amended by inserting "or leased" after "owned".

SEC. 617. REIMBURSEMENT FOR TRAVEL AND TRANSPORTATION EXPENSES WHEN ACCOMPANYING MEMBERS OF CONGRESS

(a) MEMBERS OF THE ARMED FORCES.—Section 404 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) Subject to paragraph (2), a member of the armed forces accompanying a Member of Congress or a congressional employee on official travel may be authorized reimbursement for actual travel and transportation expenses incurred for such travel.

"(2) The reimbursement authorized in paragraph (1) may be paid—

"(A) at a rate that does not exceed the rate approved for official congressional travel; and

101 STAT. 1097

"(B) only when the travel of the member is directed or approved by the Secretary of Defense or the Secretary concerned.

"(3) In this subsection:

"(A) The term 'Member of Congress' means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

"(B) The term 'congressional employee' means an employee of a Member of Congress or an employee of Congress.".

(b) CIVILIAN EMPLOYEES.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 1591.

"§ 1591. Reimbursement for travel and transportation expenses when accompanying Members of Congress

"(a) Subject to subsection (b), the Secretary concerned may authorize reimbursement to a civilian employee who is accompanying a Member of Congress or a congressional employee on official travel for actual travel and transportation expenses incurred for such travel.

"(b) The allowance provided in subsection (a) may be paid—

"(1) at a rate that does not exceed the rate approved for official congressional travel; and

"(2) only when the travel of the member is directed or approved by the Secretary concerned.

"(c) In this section:

"(1) The term 'Member of Congress' means a member of the Senate or the House of Representatives, a Delegate to the House

of Representatives, and the Resident Commissioner from Puerto Rico.

"(2) The term 'congressional employee' means an employee of a Member of Congress or an employee of Congress.

"(3) The term 'Secretary concerned' includes the Secretary of Defense with respect to civilian employees of the Department of Defense other than a military department.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1591. Reimbursement for travel and transportation expenses when accompanying Members of Congress.".

(c) EFFECTIVE DATES.—Subsection (h) of section 404 of title 37, United States Code (as added by subsection (a)), and section 1591 of title 10, United States Code (as added by subsection (b)), shall apply with respect to travel performed after the date of the enactment of this Act. 10 USC 1591 note.

PART C—BONUSES AND SPECIAL AND INCENTIVE PAYS

SEC. 621. RESTRUCTURING OF CAREER SEA PAY

(a) RATES.—Subsection (b) of section 305a of title 37, United States Code, is amended to read as follows:

"(b) The monthly rates for special pay under subsection (a) are as follows: 101 STAT. 1098

"ENLISTED MEMBERS

"Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
E-4	$50	$60	$120	$150	$160	$160	$160
E-5	50	60	120	150	170	315	325
E-6	100	100	120	150	170	315	325
E-7	100	100	120	175	190	350	350
E-8	100	100	120	175	190	350	350
E-9	100	100	120	175	190	350	350

	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13
E-4	$160	$160	$160	$160	$160	$160	$160
E-5	350	350	350	350	350	350	350
E-6	350	350	365	365	365	380	395
E-7	375	390	400	400	410	420	450
E-8	375	390	400	400	410	420	450
E-9	375	390	400	400	410	420	450

	Over 14	Over 16	Over 18
E-4	$160	$160	$160
E-5	350	350	350
E-6	410	425	450
E-7	475	500	500
E-8	475	500	520
E-9	475	520	520

"WARRANT OFFICERS

"Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
W-1	$130	$135	$140	$150	$170	$175	$200
W-2	150	150	150	150	170	260	265
W-3	150	150	150	150	170	270	280
W-4	150	150	150	150	170	290	310

	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13
W-1	$250	$270	$300	$325	$325	$340	$360
W-2	265	270	310	340	340	375	400
W-3	285	290	310	350	375	400	425
W-4	310	310	310	350	375	400	450

	Over 16	Over 18	Over 20
W-1	$375	$375	$375
W-2	400	400	400
W-3	425	450	450
W-4	450	500	500

101 STAT. 1099

"OFFICERS

"Pay grade	Years of sea duty						
	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9
O-1	$150	$160	$185	$190	$195	$205	$215
O-2	150	160	185	190	195	205	215
O-3	150	160	185	190	195	205	215
O-4	185	190	200	205	215	220	220
O-5	225	225	225	225	230	245	250
O-6	225	230	230	240	255	265	280

	Over 10	Over 11	Over 12	Over 14	Over 16	Over 18	Over 20
O-1	$225	$225	$240	$250	$260	$270	$280
O-2	225	225	240	250	260	270	280
O-3	225	225	240	260	270	280	290
O-4	225	225	240	270	280	290	300
O-5	260	265	265	285	300	315	340
O-6	290	300	310	325	340	355	380".

(b) CAREER SEA PAY PREMIUM.—Subsection (c) of such section is amended by inserting "(other than an enlisted member in a pay grade above E-4 with more than five years of sea duty)" after "sea duty" the first place it appears.

(c) DEFINITION OF SEA DUTY.—Subsection (d) of such section is amended to read as follows:

"(d)(1) In this section, the term 'sea duty' means duty performed by a member—

"(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while under way or while serving as a member of the off-crew of a two-crewed submarine; or

"(B) while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport.

"(2) For the purpose of determining the years of sea duty with which a member may be credited for purposes of this section, the term 'sea duty' also includes duty performed on or after the effective date specified in section 621(e)(1) of the National Defense Authorization Act for Fiscal Year 1988 by a member while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship on which the member would be entitled, during a period that the ship is away from its homeport, to receive sea pay by reason of paragraph (1)(B). 101 STAT. 1100

"(3) A ship shall be considered to be away from its homeport for purposes of this subsection when it is—

"(A) at sea; or

"(B) in a port that is more than 50 miles from its homeport.".

(d) SAVE PAY.—A member of the uniformed services who at any time during the three-month period ending on the day before the effective date applicable to that member under subsection (e) for the new rates of career sea pay is entitled to career sea pay at a rate that is higher than the rate established under such new rates for the member's pay grade and years of sea duty shall be paid such special pay, when entitled to receive it, at such higher rate until the member is permanently reassigned to duty for which the member is not entitled to such special pay. In the case of a member covered by the preceding sentence who is reduced in grade under the Uniform Code of Military Justice (chapter 47 of title 10, United States Code), the old rate of career sea pay applicable to such member under the preceding sentence which may be paid in lieu of the rate applicable to the member under the new rates of career sea pay shall be the rate under the old rates of career sea pay for the member's pay grade as so reduced and the member's years of sea duty. 37 USC 305a note.

(e) EFFECTIVE DATE.—(1) Except as provided under paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning after the date of the enactment of this Act and shall apply with respect to duty performed on or after that date. 37 USC 305a note.

(2) The new rates of career sea pay that are applicable to enlisted members in pay grades above pay grade E-4 who have five or more years of sea duty and the amendment made by subsection (b) shall take effect on the first day of the fourth month beginning after the effective date specified under paragraph (1). In the case of such members, the old rates of career sea pay shall remain in effect until the new rates take effect under the preceding sentence.

(f) DEFINITIONS.—For purposes of subsections (d) and (e): 37 USC 305a note.

(1) The term "career sea pay" means special pay under section 305a of title 37, United States Code.

(2) The term "old rates", with respect to career sea pay, means the rates of such pay in effect on the date of the enactment of this Act.

(3) The term "new rates", with respect to career sea pay, means the rates of such pay provided by the amendment made by subsection (a).

SEC. 622. SPECIAL PAY FOR AVIATION CAREER OFFICERS

(a) IN GENERAL.—(1) Subsection (a) of section 301b of title 37, United States Code, is amended by striking out clause (5) of the first sentence and all that follows through the second sentence and inserting in lieu thereof the following:

"(5) has not previously been paid special pay authorized by this section;

"(6) executes a written agreement to remain on active duty in aviation service for at least one year; and

"(7) is in an aviation specialty designated as critical,

101 STAT. 1101

may, upon the acceptance of the written agreement by the Secretary of Defense or the Secretary of Transportation, as appropriate, be paid an amount not to exceed $4,000 for each year covered by the agreement if the officer agrees to remain on active duty for one year, two years, or three years, or an amount not to exceed $6,000 for each year covered by the agreement if the officer agrees to remain on active duty for four years.".

(2) Subsection (e) of such section is amended to read as follows:

"(e)(1) During the period beginning on October 1, 1987, and ending on September 30, 1989, an agreement under this section may be accepted only—

"(A) from an officer of the Navy who meets the conditions set forth in subsection (a) and who has completed fewer than 11 years of active duty; and

"(B) if the agreement requires the officer to remain on active duty in aviation service for three years or for four years.

"(2) An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the conditions set forth in subsection (a) and has completed fewer than eight years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed $6,000 for each year covered by the agreement.".

(3) Subsection (f) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1989".

37 USC 301b note.

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) to subsections (a), (e), and (f) of section 301b of title 37, United States Code, shall apply to agreements entered into on or after October 1, 1987, and special pay may be paid as if such amendments were in effect on such date.

(2) Such amendments shall not affect an agreement entered into under such section as in effect on September 30, 1987, and the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

SEC. 623. SUBMARINE DUTY INCENTIVE PAY

(a) MARINE CORPS COVERAGE.—Subsection (a) of section 301c of title 37, United States Code, is amended by striking out "Navy" and inserting in lieu thereof "naval service".

(b) INCREASED RATES.—Subsection (b) of such section is amended to read as follows:

"(b) A member who meets the requirements prescribed in subsection (a) is entitled to monthly submarine duty incentive pay as follows:

"(b) The monthly rates for special pay under subsection (a) are as follows:

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9	$225	$225	$225	$270	$295	$310	$315
101 STAT. 1102 E-8	225	225	225	250	270	295	310
E-7	225	225	225	250	255	265	275
E-6	155	170	175	215	230	245	255
E-5	140	155	155	175	190	195	195
E-4	80	95	100	170	175	175	175
E-3	80	90	100	170	175	175	90
E-2	75	90	90	90	90	90	90
E-1	75	75	75	75	75	75	75

"ENLISTED MEMBERS—Continued

"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9	$330	$345	$355	$355	$355	$355	$355
E-8	315	330	330	345	345	345	345
E-7	295	310	310	310	310	310	310
E-6	265	265	265	265	265	265	265
E-5	195	195	195	195	195	195	195
E-4	175	175	175	175	175	175	175
E-3	90	90	90	90	90	90	90
E-2	90	90	90	90	90	90	90
E-1	75	75	75	75	75	75	75

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-19	$355	$355	$355	$355	$355	$355	$355
O-9	355	355	355	355	355	355	355
O-8	355	355	355	355	355	355	355
O-7	355	355	355	355	355	355	355
O-6	595	595	595	595	595	595	595
O-5	595	595	595	595	595	595	595
O-4	365	365	365	405	595	595	595
O-3	355	355	355	390	595	595	595
O-2	235	235	235	235	235	235	355
O-1	175	175	175	175	175	175	355
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10	$355	$355	$355	$355	$355	$355	$355
O-9	355	355	355	355	355	355	355
O-8	355	355	355	355	355	355	355
O-7	355	355	540	535	535	410	355
O-6	595	595	595	595	595	595	595
O-5	595	595	595	595	595	595	595
O-4	595	595	595	595	595	595	595
O-3	595	595	595	595	595	595	595
O-2	355	355	355	355	355	355	355
O-1	355	355	355	355	355	355	355

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"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
W-4	$235	$310	$310	$355	$355	$355	$355
W-3	235	310	310	355	355	355	355
W-2	235	310	310	355	355	355	355
W-1	235	310	310	355	355	355	355
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$355	$355	$355	$355	$355	$355	$355
W-3	355	355	355	355	355	355	355
W-2	355	355	355	355	355	355	355
W-1	355	355	355	355	355	355	355"

37 USC 301c note.

(c) EFFECTIVE DATE.—(1) Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning after the date of the enactment of this Act and shall apply only with respect to duty performed on or after that date.

(2) The amendments made by this section shall take effect only if legislation as described in section 3(c) is enacted.

SEC. 624. DIVING PAY FOR MEMBERS OF RESERVE COMPONENTS

(a) IN GENERAL.—Section 304 of title 37, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d)(1) Under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, when a member of the National Guard or a reserve component of a uniformed service who is entitled to compensation under section 206 of this title performs diving duty, pursuant to orders, such member is entitled to an increase in compensation equal to 1/30 of the monthly special pay prescribed by the Secretary concerned for the performance of diving duty by a member of comparable diving classification who is entitled to basic pay under section 204 of this title. Such member is entitled to the increase—

"(A) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday; or

101 STAT. 1104

"(B) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

"(2) This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.".

37 USC 304 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the fourth calendar month following the month in which this Act is enacted and shall apply only with respect to diving duty performed on or after that date.

SEC. 625. SELECTIVE REENLISTMENT BONUSES

(a) IN GENERAL.—Paragraph (1) of section 308(b) of title 37, United States Code, is amended to read as follows:

"(1) Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount.".

37 USC 308 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to bonuses paid for reenlistment or extension of enlistment agreements entered into after September 30, 1987.

SEC. 626. EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES

(a) FIVE-YEAR EXTENSION OF ACTIVE-DUTY BONUSES.—Sections 308(g), 308a(c), and 308f(c) of title 37, United States Code, are amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1992".

(b) THREE-YEAR EXTENSION OF RESERVE COMPONENT BONUSES.—Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of such title are amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1990".

37 USC 308 note.

(c) COVERAGE OF PERIOD OF LAPSED AUTHORITY.—(1) The Secretary concerned, in the case of any person who during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act would have qualified for an agreement with the Secretary described in paragraph (2) but for the fact that the authority for the payment of bonuses provided by that section had lapsed, shall pay to

that person a bonus under the terms of the appropriate section specified in that paragraph (and related regulations) as in effect on September 30, 1987.

(2) An agreement referred to in paragraph (1) is an agreement with the Secretary for the payment of a bonus under section 308, 308a, 308b, 308c, 308e, 308f, 308g, 308h, or 308i of title 37, United States Code.

PART D—MISCELLANEOUS

SEC. 631. AUTHORITY FOR CERTAIN REMARRIED SURVIVOR BENEFIT PLAN PARTICIPANTS TO WITHDRAW FROM PLAN

10 USC 1448 note.

(a) AUTHORITY TO WITHDRAW.—(1) An individual who is a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, and is described in paragraph (2) may, with the consent of such individual's spouse, withdraw from participation in the Plan.

(2) An individual referred to in paragraph (1) is an individual who—

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(A) is providing coverage for a spouse or for a spouse and child under the Plan; and

(B) remarried before March 1, 1986, and at a time when such individual was a participant in the Plan but did not have an eligible spouse beneficiary under the Plan.

(b) APPLICABLE PROVISIONS.—An election under subsection (a) shall be subject to subparagraphs (B) and (D) of section 1448(a)(6) of title 10, United States Code, except that in applying such subparagraph (B) to subsection (a), the one-year period referred to in clause (ii) of such subparagraph shall extend until the end of the one-year period beginning 90 days after the date of the enactment of this Act.

(c) TREATMENT OF PRIOR CONTRIBUTIONS.—No refund of amounts by which the retired pay of a participant in the Survivor Benefit Plan has been reduced by reason of section 1452 of title 10, United States Code, may be made to an individual who withdraws from the Survivor Benefit Plan under subsection (a).

SEC. 632. LAW APPLICABLE TO OCCUPANCY BY COAST GUARD PERSONNEL OF SUBSTANDARD FAMILY HOUSING UNITS

(a) IN GENERAL.—Section 2830 of title 10, United States Code, is amended—

(1) by striking out "the Secretary of a military department" in subsection (a) and inserting in lieu thereof "the Secretary concerned";

(2) by striking out "Subject to" in subsection (b) and all that follows through "military department" and inserting in lieu thereof "(1) The Secretary concerned"; and

(3) by adding at the end of subsection (b) the following new paragraph:

"(2) The authority to enter into leases under paragraph (1) shall be exercised—

"(A) in the case of a lease by the Secretary of a military department, subject to regulations prescribed by the Secretary of Defense; and

"(B) in the case of a lease by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, subject to regulations prescribed by that Secretary.".

(b) CONFORMING AMENDMENTS.—(1) Section 2801(d) of such title is amended by inserting "(other than section 2830)" after "This chapter".

(2) Section 475 of title 14, United States Code, is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 633. COLLECTION OF AMOUNTS OWED TO SERVICE RELIEF SOCIETIES FROM FINAL PAY OF MEMBERS

(a) COLLECTION OF AMOUNTS OWED RELIEF SOCIETIES.—Section 1007 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) Upon request by a service relief society and subject to paragraph (2), an amount owed by a member of the uniformed services to the relief society may be deducted from the pay on final statement of such member and paid to that relief society.

"(2) An amount may not be deducted under paragraph (1) from the pay of a member unless the Secretary concerned makes a determination of the amount owed in accordance with the regulations prescribed under subsection (c). Any amount determined to be owed to a service relief society under this paragraph shall be considered an amount that the member is administratively determined to owe the United States under subsection (c) and shall be collectible in accordance with such subsection.

101 STAT. 1106

"(3) The Secretaries concerned shall prescribe regulations to carry out this subsection.

"(4) In this subsection, the term 'service relief society' means the Army Emergency Relief, the Air Force Aid Society, the Navy Relief Society, or the Coast Guard Mutual Assistance.".

37 USC 1007 note.

(b) EFFECTIVE DATE.—Subsection (h) of section 1007 of title 37, United States Code (as added by subsection (a)), shall apply with respect to debts incurred by members of the uniformed services after the date of the enactment of this Act.

SEC. 634. LIMITATION ON RESERVE UNIT AND INDIVIDUAL TRAINING FUNDING FOR FISCAL YEAR 1988

During fiscal year 1988, the amount appropriated for reserve unit and individual training may not exceed $4,644,582,000.

SEC. 635. EXPANSION OF MILITARY SPOUSE EMPLOYMENT PREFERENCE

Section 806(b)(2) of the Military Family Act of 1985 (10 U.S.C. 113 note), is amended by striking out "GS-4" and inserting in lieu thereof "GS-1".

SEC. 636. REDUCTION IN AGE FOR NONTERMINATION OF SBP SURVIVING SPOUSE ANNUITY AFTER REMARRIAGE

(a) RESUMPTION OF ANNUITY UPON TERMINATION OF DIC FOR REMARRIAGE.—Section 1450(k)(1) of title 10, United States Code, is amended by striking out "60" and inserting in lieu thereof "55".

10 USC 1450 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply as if included in the amendments made by section 643(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3886).

10 USC 1450.

10 USC 113 note.

SEC. 637. REGULATIONS REGARDING EMPLOYMENT AND VOLUNTEER WORK OF SPOUSES OF MILITARY PERSONNEL

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to establish the policy that—

(1) the decision by a spouse of a member of the Armed Forces to be employed or to voluntarily participate in activities relating to the Armed Forces should not be influenced by the preferences or requirements of the Armed Forces; and

(2) neither such decision nor the marital status of a member of the Armed Forces should have an effect on the assignment or promotion opportunities of the member.

10 USC 113 note.

SEC. 638. TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES

(a) TEST PROGRAM.—The Secretary of Defense shall establish a test program under which a member of the Armed Forces may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

(b) ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c)).

101 STAT. 1107

(c) BENEFITS PAID AFTER ADOPTION IS FINAL.—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

(d) TREATMENT OF OTHER BENEFITS.—A benefit may not be paid under this section for any expense paid to or for a member of the Armed Forces under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

(e) LIMITATIONS.—(1) Not more than $2,000 may be paid to a member of the Armed Forces under this section for expenses incurred in the adoption of a child.

(2) Not more than $5,000 may be paid to a member of the Armed Forces under this section for adoptions by such member in any calendar year.

(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term "qualifying adoption expenses" means reasonable and necessary expenses that are directly related to the legal adoption of a child, but only if such adoption is arranged—

(A) by a State or local government agency which has responsibility under State or local law for child placement through adoption;

(B) by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption; or

(C) through a private placement.

(2) The term "qualifying adoption expenses" does not include any expense incurred—

(A) for any travel performed outside the United States by an adopting parent, unless such travel—

(i) is required by law as a condition of a legal adoption in the country of the child's origin, or is otherwise necessary for the purpose of qualifying for the adoption of a child;

(ii) is necessary for the purpose of assessing the health and status of the child to be adopted; or

(iii) is necessary for the purpose of escorting the child to be adopted to the United States or the place where the adopting member of the Armed Forces is stationed; or

(B) in connection with an adoption arranged in violation of Federal, State, or local law.

(3) The term "reasonable and necessary expenses" includes—

(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

(B) placement fees, including fees charged adoptive parents for counseling;

(C) legal fees, including court costs;

(D) medical expenses, including hospital expenses of a newborn infant, for medical care furnished the adopted child before the adoption, and for physical examinations for the adopting parents;

101 STAT. 1108

(E) expenses relating to pregnancy and childbirth for the biological mother, including counseling, transportation, and maternity home costs;

(F) temporary foster care charges when payment of such charges is required to be made immediately before the child's placement; and

(G) except as provided in paragraph (2)(A), transportation expenses relating to the adoption.

(h) EFFECTIVE DATE AND DURATION OF TEST PROGRAM.—The test program required under this section shall apply with respect to qualifying adoption expenses incurred for adoption proceedings initiated after September 30, 1987, and before October 1, 1989.

TITLE VII—HEALTH CARE PROVISIONS

10 USC 1071 note. Military Health Care Amendments of 1987.

SEC. 701. SHORT TITLE

This title may be cited as the "Military Health Care Amendments of 1987".

PART A—MEDICAL READINESS

SEC. 711. REVISION OF RESERVE FORCES HEALTH PROFESSIONS FINANCIAL ASSISTANCE PROGRAM

(a) IN GENERAL.—Chapter 105 of title 10, United States Code, is amended—

(1) by striking out the chapter heading and inserting in lieu thereof the following:

"CHAPTER 105—ARMED FORCES HEALTH PROFESSIONS FINANCIAL ASSISTANCE PROGRAMS

"Subchapter Sec.
I. Health Professions Scholarship Program for Active Service 2120
II. Health Professions Stipend Program for Reserve Service 2128

"SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP PROGRAM FOR ACTIVE SERVICE";

(2) by striking out "chapter" each place it appears in sections 2120, 2123, 2124, and 2127 and inserting in lieu thereof "subchapter"; and

(3) by adding at the end the following new subchapter:

"SUBCHAPTER II—HEALTH PROFESSIONS STIPEND PROGRAM FOR RESERVE SERVICE

"Sec.

"2128. Financial assistance: health-care professionals in reserve components.
"2129. Reserve service: required active duty for training.
"2130. Penalties, limitations, and other administrative provisions.

10 USC 2128.

"§ 2128. Financial assistance: health-care professionals in reserve components

"(a) ESTABLISHMENT OF PROGRAM.—For the purpose of obtaining adequate numbers of commissioned officers in the reserve components who are qualified in health professions specialties critically needed in wartime, the Secretary of each military department may establish and maintain a program to provide financial assistance under this subchapter to persons engaged in training in such specialties. Under such a program, the Secretary concerned may agree to pay a financial stipend to persons engaged in training in certain health care specialties in return for a commitment to subsequent service in the Ready Reserve.

101 STAT. 1109

"(b) PHYSICIANS IN CRITICAL SPECIALTIES.—(1) Under the stipend program under this subchapter, the Secretary of the military department concerned may enter into an agreement with a person who—

"(A) is a graduate of a medical school;

"(B) is eligible for appointment, designation, or assignment as a medical officer in the Reserve of the armed force concerned; and

"(C) is enrolled or has been accepted for enrollment in a residency program for physicians in a medical specialty designated by the Secretary concerned as a specialty critically needed by that military department in wartime.

"(2) Under the agreement—

"(A) the Secretary shall agree to pay the participant a stipend, in an amount determined under subsection (e), for the period or the remainder of the period of the residency program in which the participant enrolls or is enrolled;

"(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as a medical officer for service in the Ready Reserve;

"(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

"(D) the participant shall agree to serve, upon successful completion of the program, two years in the Ready Reserve for each year, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.

"(c) REGISTERED NURSES IN CRITICAL SPECIALTIES.—(1) Under the stipend program under this subchapter, the Secretary of the military department concerned may enter into an agreement with a person who—

"(A) is a registered nurse;

"(B) is eligible for appointment as—

"(i) a Reserve officer for service in the Army Reserve in the Army Nurse Corps;

"(ii) a Reserve officer for service in the Naval Reserve in the Navy Nurse Corps; or

"(iii) a Reserve officer for service in the Air Force Reserve with a view to designation as an Air Force nurse under section 8067(e) of this title; and

"(C) is enrolled or has been accepted for enrollment in an accredited program in nursing in a specialty designated by the Secretary concerned as a specialty critically needed by that military department in wartime.

"(2) Under the agreement—

"(A) the Secretary shall agree to pay the participant a stipend, in an amount determined under subsection (e), for the period or the remainder of the period of the nursing program in which the participant enrolls or is enrolled; 101 STAT. 1110

"(B) the participant shall not be eligible to receive such stipend before being appointed as a Reserve officer for service in the Ready Reserve—

"(i) in the Nurse Corps of the Army or Navy; or

"(ii) as an Air Force nurse of the Air Force;

"(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

"(D) the participant shall agree to serve, upon successful completion of the program, two years in the Ready Reserve for each year, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.

"(d) BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS.—(1) Under the stipend program under this subchapter, the Secretary of the military department concerned may enter into an agreement with a person who—

"(A) will, upon completion of the program, be eligible to be appointed, designated, or assigned as a Reserve officer for duty as a nurse or other health professional; and

"(B) is enrolled, or has been accepted for enrollment in the third or fourth year of—

"(i) an accredited baccalaureate nursing program; or

"(ii) any other accredited baccalaureate program leading to a degree in a health-care profession designated by the Secretary concerned as a profession critically needed by that military department in wartime.

"(2) Under the agreement—

"(A) the Secretary shall agree to pay the participant a stipend of $100 per month for the period or the remainder of the period of the baccalaureate program in which the participant enrolls or is enrolled;

"(B) the participant shall not be eligible to receive such stipend before enlistment in the Ready Reserve;

"(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

"(D) the participant shall agree to serve, upon graduation from the baccalaureate program, one year in the Ready Reserve for each year, or part thereof, for which the stipend is paid.

"(e) AMOUNT OF STIPEND.—The amount of a stipend under an agreement under subsection (b) or (c) shall be—

"(1) the stipend rate in effect for participants in the Armed Forces Health Professions Scholarship Program under section 2121(d) of this title, if the participant has agreed to serve in the Selected Reserve; or

"(2) one-half of that rate, if the participant has agreed to serve in the Individual Ready Reserve.

"(f) INDIVIDUAL READY RESERVE DEFINED.—In this subchapter, the term 'Individual Ready Reserve' means that element of the Ready Reserve of an armed force other than the Selected Reserve.

101 STAT. 1111

10 USC 2129.

"§ 2129. Reserve service: required active duty for training

"(a) SELECTED RESERVE.—A person who is required under an agreement under section 2128 of this title to serve in the Selected Reserve shall serve not less than 12 days of active duty for training each year during the period of service required by the agreement.

"(b) IRR SERVICE.—A person who is required under an agreement under section 2128 of this title to serve in the Individual Ready Reserve shall serve—

"(1) not less than 30 days of initial active duty for training; and

"(2) not less than five days of active duty for training each year during the period of service required by the agreement.

10 USC 2130.

"§ 2130. Penalties, limitations, and other administrative provisions

"(a) FAILURE TO COMPLETE PROGRAM OF TRAINING.—(1) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in training, or for other reasons, shall be required, at the discretion of the Secretary concerned—

"(A) to perform one year of active duty for each year (or part thereof) for which such person was provided financial assistance under this section; or

"(B) to repay the United States an amount equal to the total amount paid to such person under the program.

Regulations.

"(2) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member participating in the program who is dropped from the program from any requirement that may be imposed under paragraph (1), but such relief shall not relieve him from any military obligation imposed by any other law.

"(b) PROHIBITIONS OF DUPLICATE BENEFITS.—Financial assistance may not be provided under this section to a member receiving financial assistance under section 2107 of this title.

"(c) REGULATIONS.—This subchapter shall be administered under regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 105 and inserting in lieu thereof the following:

"105. Armed Forces Health Professions Financial Assistance Programs..... 2120".

(c) REPEAL OF PRIOR PROGRAM.—(1) Section 672 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 663), is repealed. 10 USC 2121 note, 2124 note.

(2) The repeal of section 672 of the Department of Defense Authorization Act, 1986, by paragraph (1) does not affect an agreement entered into under that section before such repeal, and the provisions of such section as in effect before such repeal shall continue to apply with respect to such agreement. 10 USC 2121 note.

(d) FUNDING LIMIT FOR FISCAL YEAR 1988.—The total amount obligated during fiscal year 1988 under agreements under section 2128 of title 10, United States Code, as added by subsection (a), may not exceed $9,000,000.

(e) EFFECTIVE DATES.—(1) The repeal made by subsection (c) shall take effect on the date of the enactment of this Act. 10 USC 2121 note.

(2) An agreement entered into by the Secretary of a military department under section 2128 of title 10, United States Code, as added by subsection (a), may not obligate the United States to make a payment for any period before the date of the enactment of this Act. 10 USC 2128 note.

101 STAT. 1112

SEC. 712. ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

(a) CRITICALLY NEEDED WARTIME SKILLS RESIDENCY REQUIREMENT PERMITTED.—Section 2122 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "To be eligible"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary of Defense may require, as part of the agreement under subsection (a)(2), that a person must agree to accept, if offered, residency training in a health profession skill which has been designated by the Secretary as a critically needed wartime skill.".

(b) 2,500 SCHOLARSHIPS TARGETED FOR CRITICALLY NEEDED WARTIME SKILLS.—

(1) IN GENERAL.—Section 2124 of title 10, United States Code, is amended by striking out "except that" and all that follows through the end of the section and inserting in lieu thereof the following: "except that—

"(1) the total number of persons so designated in all of the programs authorized by this subchapter shall not, at any time, exceed 6,000; and

"(2) of the total number of persons so designated, at least 2,500 shall be persons—

"(A) who are in the final two years of their course of study; and

"(B) who have agreed to accept, if offered, residency training in a health profession skill which has been designated by the Secretary as a critically needed wartime skill.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1989. 10 USC 2124 note.

SEC. 713. EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE

(a) COVERAGE OF CERTAIN LOANS TO NURSES.—Subsection (a)(3) of section 2172 of title 10, United States Code, is amended by inserting

"or under part B of title VIII of such Act (42 U.S.C. 297 et seq.)" after "seq.)".

(b) EXTENSION OF DATE FOR INITIAL APPOINTMENT.—Subsection (d) of such section is amended by striking out "October 1, 1988" and inserting in lieu thereof "October 1, 1990".

SEC. 714. CONSTRUCTIVE SERVICE CREDIT FOR OFFICERS APPOINTED WITH HEALTH PROFESSIONS EXPERIENCE

(a) REGULAR COMPONENTS.—Section 533(b)(1)(B) of title 10, United States Code, is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following:

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.".

(b) ARMY RESERVE.—Section 3353(b)(1)(B) of such title is amended— 101 STAT. 1113

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following:

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the Army.".

(c) NAVAL RESERVE AND MARINE CORPS RESERVE.—Section 5600(b)(1)(B) of such title is amended— 10 USC 5600.

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following:

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the Navy or Marine Corps, as appropriate.".

(d) AIR FORCE RESERVE.—Section 8353(b)(1)(B) of such title is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following:

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the Air Force.".

SEC. 715. STANDBY CAPABILITY FOR SELECTIVE SERVICE REGISTRATION OF HEALTH CARE PERSONNEL

Section 10(h) of the Military Selective Service Act (50 U.S.C. App. 460(h)) is amended—

(1) by striking out "If at" and all that follows through "nevertheless," and inserting in lieu thereof "The Selective Service system shall"; and

(2) by inserting "(including a structure for registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces)" after "national emergency".

SEC. 716. LIMITED CEILING REMOVAL ON SPECIAL PAY FOR MEDICAL OFFICERS

(a) LIMITED CEILING REMOVAL.—Section 302(b) of title 37, United States Code, is amended—

(1) by striking out "in an amount not to exceed $8,000" in paragraph (1);

(2) by adding at the end of paragraph (1) the following: "No payment to an officer under this subsection may exceed $8,000 for any twelve-month period unless the Secretary concerned determines that the officer is qualified and serving in a health profession skill which has been designated by the Secretary concerned as a critically needed wartime skill."; and

(3) by striking out paragraph (3).

(b) LIMIT ON OBLIGATIONS.—The Secretary concerned may not obligate funds during fiscal year 1988 for incentive special pay under section 302(b) of such title in an amount which is more than

the amount proposed to be available for such purpose in the budget presentation materials submitted to Congress for fiscal year 1988.

SEC. 717. AUTHORITY TO RETAIN IN ACTIVE STATUS UNTIL AGE 67 RESERVE OFFICERS IN MEDICAL SPECIALTIES

(a) ARMY PERSONNEL.—Section 3855 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; 101 STAT. 1114

(2) by striking out ", but not later than the date on which he becomes 60 years of age";

(3) by designating the second sentence as subsection (b); and

(4) by adding at the end the following:

"(c) An officer may not be retained in an active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of an officer in the Chaplains, 60 years of age).".

(b) NAVAL PERSONNEL.—(1) Chapter 573 of title 10, United States Code, is amended by inserting after section 6391 the following new section:

"§ 6392. Retention in active status of certain officers 10 USC 6392.

"(a) Notwithstanding any other section of this chapter except subsections (b), (d), and (e) of section 6383, the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer of the Navy who is designated as a medical officer, dental officer, veterinary officer, optometrist, podiatrist, chaplain, nurse, or biomedical sciences officer.

"(b) An officer may be retained in an active status under this section only to fill a mission-based requirement.

"(c) An officer may not be retained in an active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of an officer in the Chaplain Corps, 60 years of age).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6391 the following new item:

"6392. Retention in active status of certain officers.".

(c) AIR FORCE PERSONNEL.—Section 8855 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding";

(2) by striking out ", but not later than the date on which he becomes 60 years of age";

(3) by designating the second sentence as subsection (b); and

(4) by adding at the end the following:

"(c) An officer may not be retained in an active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of an officer who is designated as a chaplain, 60 years of age).".

(d) CLERICAL AMENDMENTS.—(1)(A) The heading of section 3855 of such title is amended to read as follows:

"§ 3855. Retention in active status of certain officers".

(B) The item relating to that section in the table of sections at the beginning of chapter 363 of such title is amended to read as follows:

"3855. Retention in active status of certain officers.".

(2)(A) The heading of section 8855 of such title is amended to read as follows:

"§ 8855. Retention in active status of certain officers".

(B) The item relating to that section in the table of sections at the beginning of chapter 863 of such title is amended to read as follows:

"8855. Retention in active status of certain officers.".

101 STAT. 1115

SEC. 718. AGE FOR INITIAL APPOINTMENT OF RESERVE OFFICERS IN CRITICAL MEDICAL SPECIALTIES

(a) MAXIMUM AGE TO BE NOT LESS THAN 47.—Section 591 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) In prescribing age qualifications under subsection (b) for the appointment of persons as Reserves of the armed forces under his jurisdiction, the Secretary concerned may not prescribe a maximum age qualification of less than 47 years of age for the initial appointment of a person as a Reserve to serve in a health profession specialty which has been designated by the Secretary concerned as a specialty critically needed in wartime.".

10 USC 591 note.

(b) DEADLINE FOR REGULATIONS.—The Secretary concerned shall prescribe regulations implementing subsection (e) of section 591 of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 719. AUTHORITY TO DEFER MANDATORY RETIREMENT FOR AGE OF MEDICAL OFFICERS

Section 1251 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary concerned may defer the retirement under subsection (a) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

"(2) A deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 67 years of age.

"(3) For purposes of this subsection, a health professions officer is—

"(A) a medical officer;

"(B) a dental officer; or

"(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.".

PART B—PEACETIME HEALTH CARE

SEC. 721. CATASTROPHIC LOSS PROTECTION UNDER CHAMPUS

(a) ACTIVE DUTY DEPENDENTS.—Section 1079(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) An individual or family group of two or more persons covered by this section may not be required by reason of this subsection to pay a total of more than $1,000 for health care received during any fiscal year under a plan under subsection (a).".

(b) RETIREES AND DEPENDENTS.—Section 1086(b) of such title is amended by adding at the end the following new paragraph:

"(4) A member or former member of a uniformed service covered by this section by reason of section 1074(b) of this title, or an individual or family group of two or more persons covered by this section, may not be required to pay a total of more than $10,000 for health care received during any fiscal year under a plan contracted for under section 1079(a) of this title.".

10 USC 1079 note.

(c) EFFECTIVE DATE.—Paragraph (5) of section 1079(b) of title 10, United States Code, as added by subsection (a), and paragraph (4) of section 1086(b) of such title, as added by subsection (b), shall apply with respect to fiscal years beginning after September 30, 1987.

101 STAT. 1116

10 USC 1074 note.

SEC. 722. TWO-YEAR PROHIBITION ON FEE FOR OUTPATIENT CARE AT MILITARY MEDICAL TREATMENT FACILITIES

During fiscal years 1988 and 1989, the Secretary of Defense may not impose a fee for the receipt of outpatient medical or dental care at a military medical treatment facility.

SEC. 723. ALLOCATION TO HEALTH PROFESSIONS OF SPECIFIED PORTION OF NAVY OFFICER ACCESSIONS AND GROWTH IN END STRENGTHS

The Secretary of the Navy shall ensure that—

(1) not less than 25 percent of the number of original appointments made in officer grades in the Navy during each of fiscal years 1989 and 1990 shall be made in health profession specialties (or with a view to assignment of the officer to a health profession specialty); and

(2) not less than 15 percent of any increase in authorized end strength for the Navy for each of fiscal years 1989 and 1990 over the end strength of the Navy authorized for fiscal year 1988 shall be dedicated to personnel to be assigned to duty in the health professions.

SEC. 724. REVISED DEADLINES FOR THE USE OF DIAGNOSIS-RELATED GROUPS

Section 701(d)(4) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 1101 note) is amended—

(1) in subparagraph (A), by striking out "after September 30, 1987" and inserting in lieu thereof "not later than October 1, 1988"; and

(2) in subparagraph (B), by striking out "after September 30, 1988" and inserting in lieu thereof "not later than October 1, 1989".

SEC. 725. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1103. Contracts for medical and dental care: State and local preemption 10 USC 1103

"(a) The provisions of any contract under this chapter which relate to the nature and extent of coverage of benefits (including payments with respect to benefits) shall preempt any law of a State or local government, or any regulation issued under such a law, which relates to health insurance or plans to the extent that such law or regulation is inconsistent with such contractual provisions.

"(b) In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each territory and possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1103. Contracts for medical and dental care: State and local preemption.". 101 STAT. 1117

(b) APPLICABILITY.—Section 1103 of such title, as added by subsection (a), shall apply with respect to any contract entered into after October 1, 1987. 10 USC 1103 note.

SEC. 726. CHAMPUS COVERAGE FOR SUDDEN INFANT DEATH SYNDROME MONITORING EQUIPMENT

(a) CHAMPUS COVERAGE ALLOWED.—Section 1079(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(15) electronic cardio-respiratory home monitoring equipment (apnea monitors) for home use may be provided if a physician prescribes and supervises the use of the monitor for an infant—

"(A) who has had an apparent life-threatening event,

"(B) who is a subsequent sibling of a victim of sudden infant death syndrome,

"(C) whose birth weight was 1,500 grams or less, or

"(D) who is a pre-term infant with pathologic apnea,

in which case the coverage may include the cost of the equipment, hard copy analysis of physiological alarms, professional visits, diagnostic testing, family training on how to respond to apparent life threatening events, and assistance necessary for proper use of the equipment.".

10 USC 1079 note.

(b) EFFECTIVE DATE.—Paragraph (15) of section 1079(a) of such title, as added by subsection (a), shall apply with respect to costs incurred for home monitoring equipment after the date of the enactment of this Act.

PART C—HEALTH CARE MANAGEMENT

10 USC 1092 note.

SEC. 731. DEMONSTRATION PROJECT ON MANAGEMENT OF HEALTH CARE IN CATCHMENT AREAS AND OTHER DEMONSTRATION PROJECTS

(a) DEMONSTRATION PROJECTS.—The Secretary of Defense shall conduct projects designed to demonstrate the alternative health care delivery system described in subsection (b). Each military department shall carry out at least one such project. The projects—

(1) shall begin during fiscal year 1988, if feasible, and continue for not less than two years;

(2) shall each include all covered beneficiaries within one catchment area of a medical facility of the uniformed services; and

(3) shall be designed, with respect to the number and location of demonstration sites and otherwise, to ensure that the results of such projects will likely be representative of the results of a nationwide implementation.

(b) ALTERNATIVE HEALTH CARE DELIVERY SYSTEM.—The alternative health care delivery system referred to in subsection (a) that the projects shall demonstrate is a system under which the commander of a medical facility of the uniformed services is responsible for all funding and all medical care of the covered beneficiaries in the catchment area of the facility. The commander may use any type of health care delivery system, for any scope of coverage, he considers appropriate.

101 STAT. 1118

(c) ADDITIONAL DEMONSTRATION PROJECTS REQUIRED.—(1) The Secretary of Defense also shall conduct the projects described in paragraph (2) for the purpose of demonstrating alternatives to providing health care under the military health care system. The demonstration projects shall be carried out in accordance with this subsection.

(2) The demonstration projects are as follows:

(A) The Tidewater mental health demonstration project (Solicitation No. MDA906-86-C-0001).

(B) The Fort Drum demonstration project.

(C) The civilian-run primary care clinics known as PRIMUS and NAVCARE.

(D) The New Orleans demonstration project, if a contract is awarded as a result of the solicitation issued in fiscal year 1987 (Solicitation No. MDA903-87-R-0047).

Contracts. State and local governments.

(E) A fiscal intermediary demonstration project, to be implemented by amending one or more existing Department of Defense contracts with fiscal intermediaries in a State or region to require the intermediary to demonstrate a managed health care network with cost-containment initiatives, such as utilization review, pre-admission screening, second surgical opinions, contracting for care on a discounted basis, and other methods.

(F) Catchment area management demonstration projects described in subsection (a).

(G) A demonstration project for non-active duty beneficiaries in the catchment area of the Philadelphia Naval Hospital that demonstrates a managed health care network.

(3) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that provides an outline and discussion of the manner in which the Secretary intends to structure and conduct each demonstration project required under this subsection. Reports.

(4) The Secretary of Defense shall develop a methodology to be used in evaluating the results of the demonstration projects required under this subsection. The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such methodology no later than 30 days after the development of the methodology is completed. Reports.

(5) Each project required under this subsection shall begin during fiscal year 1988 (or shall continue in the case of a project begun before fiscal year 1988).

(6) The Secretary of Defense shall evaluate the demonstration projects required under this subsection, using the methodology developed under paragraph (4), as alternatives to methods of providing health care under the military health care system.

(d) AUTHORITY.—For purposes of carrying out this section, the Secretary of Defense may delegate the authority given in sections 1079, 1086, 1092, 1097, 1098, and 1099 of title 10, United States Code.

(e) REPORTS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) an interim report on each demonstration project described in this section after such project has been in effect for at least 12 months; and

(B) a final report on each such project when each project is completed.

(2) Each report shall include— 101 STAT. 1119

(1) a description of any results of the demonstration project;

(2) a comparison of the costs of providing health care under the system used in the demonstration project with the costs of providing health care under CHAMPUS and under other alternative health care delivery systems; and

(3) an analysis and evaluation of the benefits of incorporating the health care management techniques demonstrated by the project into the military health care system as it exists at the time of the report or into such health care system in conjunction with any other health care delivery systems which have been or are being studied under another demonstration project.

(f) DEFINITIONS.—In this section:

(1) The term "catchment area" means the area within approximately 40 miles of a medical facility of the uniformed services.

(2) The term "CHAMPUS" has the meaning given such term by section 1072(4) of title 10, United States Code.

(3) The term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code.

SEC. 732. ADDITIONAL REQUIREMENTS FOR CHAMPUS REFORM INITIATIVE

(a) EVALUATION METHODOLOGY REQUIRED FOR DEMONSTRATION PHASE OF CHAMPUS REFORM INITIATIVE.—(1) Section 702(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3899) is amended by adding at the end the following new paragraph: 10 USC 1073 note.

"(4) The Secretary of Defense shall develop a methodology to be used in evaluating the results of the demonstration project required by paragraph (1) and shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such methodology.". Reports.

(2) Clause (i) of section 702(c)(1)(C) of such Act is amended by inserting before the semicolon the following: ", evaluated in accordance with the methodology developed under subsection (a)(4)".

(b) ONE CONTRACT PER CONTRACTOR ALLOWED UNDER SOLICITATION FOR DEMONSTRATION PHASE OF CHAMPUS REFORM INITIATIVE.—No contractor may be awarded more than one contract for subregions I, II, and III under Solicitation No. MDA903-87-R-0047 (issued for the CHAMPUS reform initiative demonstration project required by section 702(a) of the National Defense Authorization Act for Fiscal Year 1987).

(c) LIMITATIONS ON ISSUANCE OF REQUESTS FOR PROPOSALS.—Section 702(c) of the National Defense Authorization Act for Fiscal Year 1987 is amended by adding at the end the following new paragraph:

"(2) The Secretary may not issue a request for proposals with respect to the second (or any subsequent) phase of the CHAMPUS reform initiative until—

"(A) all principal features of the demonstration project, including networks of providers of health care, have been in operation for not less than one year; and

"(B) the expiration of 60 days after the date on which the report described in paragraph (1)(C) has been received by the committees referred to in such paragraph.".

101 STAT. 1120

(d) REPORT ON RISK ASSUMPTION.—No later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the level of risk, as of the date of the report, to be assumed by contractors under the request for proposals for the CHAMPUS reform initiative demonstration project required by section 702(a) of the National Defense Authorization Act for Fiscal Year 1987; and

(2) whether any alteration in that level of risk has been made from the time that the original request for proposals was issued.

Contracts.
10 USC 1073 note.

(e) REQUIREMENT FOR AVAILABILITY OF ADDITIONAL INSURANCE COVERAGE.—(1) The Secretary of Defense shall make every effort to enter into an agreement, similar to the one being negotiated with a private insurer on the date of the enactment of this Act, that would provide an insurance plan that meets the requirements described in paragraph (3).

(2) If an agreement referred to in paragraph (1) is not entered into before a request for proposals with respect to the second phase of the CHAMPUS reform initiative is issued, the Secretary shall provide for an insurance plan which meets the requirements described in paragraph (3) through either of the following means:

(A) By including, in any request for proposals with respect to the second (and any subsequent) phase of the CHAMPUS reform initiative, a requirement for the contractor to offer an option to elect an insurance plan which meets the requirements described in paragraph (3).

(B) By including, in any request for proposals for a contract to process claims for CHAMPUS, a requirement for the contractor (known as a fiscal intermediary) to offer an option to elect an insurance plan which meets the requirements described in paragraph (3).

(3) The insurance plan requirements referred to in paragraphs (1) and (2) are the following:

(A) At the election of the individual, the plan shall be available to an individual losing eligibility (by reason of discharge, release from active duty, a change in family status (including divorce or annulment, or, in the case of a child, reaching age 22), or other similar reason) to be a covered beneficiary under chapter 55 of title 10, United States Code.

(B) The plan shall provide for coverage of benefits similar to the coverage of benefits available to the individual under CHAMPUS, regardless of any pre-existing condition.

(C) The plan shall provide that enrollees in the plan shall pay the full periodic charges for the benefit coverage.

(f) FUNDING LIMITATIONS.—(1) None of the funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for the purpose of entering into a contract for the demonstration phase of the CHAMPUS reform initiative required by section 702(a)(1) of the National Defense Authorization Act for Fiscal Year 1987 until the requirements of section 702(a)(4) of such Act (as added by subsection (a)) are met. Contracts. 10 USC 1073 note.

(2) None of the funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for the purpose of requesting a proposal for the second (or any subsequent) phase of the CHAMPUS reform initiative as described in section 702(c) of the National Defense Authorization Act for Fiscal Year 1987 until the requirements of paragraph (2) of section 702(c) of such Act (as added by subsection (c)) are met.

101 STAT. 1121

(g) CHAMPUS DEFINED.—In this section, the term "CHAMPUS" has the meaning given such term by section 1072(4) of title 10, United States Code. 10 USC 1073 note.

SEC. 733. MEDICAL INFORMATION SYSTEMS ACQUISITION AMENDMENTS

(a) TEST AND EVALUATION PHASE LIMITATIONS.—Subsection (a) of section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900) is amended to read as follows:

"(a) LIMITATION ON TEST AND EVALUATION PHASE OF COMPOSITE HEALTH CARE SYSTEM.—With respect to the acquisition of a Department of Defense medical information system for use in all military medical treatment facilities, the Secretary may not award any contract for the operational test and evaluation phase for the Composite Health Care System referred to in subsection (b) until— Contracts. Reports.

"(1) the testing required by paragraphs (1) and (2) of that subsection is completed;

"(2) the Armed Services Committees receive—

"(A) the report submitted by the Secretary under subsection (b)(3); and

"(B) the report submitted by the Comptroller General under subsection (b)(4).".

(b) REPORTS ON TESTING.—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraphs:

"(3) Not later than the end of the 30-day period beginning on the date that the testing required by paragraphs (1) and (2) is completed, the Secretary shall—

"(A) evaluate the competing medical information systems, based on the results of the testing; and

"(B) submit to the Armed Services Committees a report on such evaluation.

"(4) Not later than the end of the 30-day period beginning on the date that the Armed Services Committees receive the report submitted by the Secretary under paragraph (3), the Comptroller General shall submit to the Armed Services Committees a report describing—

"(A) the results of the testing required by paragraphs (1) and (2); and

"(B) the competitive acquisition process that the Secretary is following in selecting vendors for the operational test and evaluation phase of the Composite Health Care System.".

(c) VA COMPUTER PROGRAM AMENDMENTS.—(1) Subsection (c) of such section is amended by striking out "not later than October 1, 1987" and inserting in lieu thereof "on the same date as the date on which the operational test and evaluation phase of the Composite Health Care System described in subsection (d) is completed".

(2) Section 1203 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 718), is amended—

(A) in subsection (c), by striking out "that are available" and

all that follows through "expected to be completed" and inserting in lieu thereof "that are available and delivered in a form suitable for testing on the date on which the Secretary approves and accepts the software for the operational test and evaluation phase of the Composite Health Care System"; and

(B) in subsection (e), by striking out ", and by the Secretary of each military department,".

101 STAT. 1122

(d) CONDUCT OF TEST AND EVALUATION PHASE.—Section 704 of the National Defense Authorization Act for Fiscal Year 1987 is further amended—

(1) by redesignating subsection (e) as subsection (h); and

(2) by striking out subsection (d) and inserting in lieu thereof the following new subsections:

"(d) CONDUCT OF TEST AND EVALUATION PHASE OF COMPOSITE HEALTH CARE SYSTEM.—(1) The Secretary shall conduct the operational test and evaluation phase of the Composite Health Care System at no fewer than six sites.

"(2) Of the amounts authorized to be appropriated to the Department of Defense for fiscal years 1988 and 1989 by the National Defense Authorization Act for Fiscal Years 1988 and 1989, the amounts authorized to be appropriated to carry out such operational test and evaluation phase are $92,000,000 for fiscal year 1988 and $88,500,000 for fiscal year 1989.

"(e) REPORT BY SECRETARY.—After the operational test and evaluation phase referred to in subsection (d) is completed, the Secretary shall submit to the Armed Services Committees a report which—

"(1) analyzes the results of the operational test and evaluation phase;

"(2) analyzes the results of the Veterans' Administration demonstration project referred to in subsection (c);

"(3) analyzes the costs and benefits of the Composite Health Care System for Levels I, II, and IID in combination and for Level III on a module by module basis, based on operational experience at the sites at which the operational test and evaluation phase is carried out; and

"(4) contains a plan for full production of a medical information system for use in all military medical treatment facilities, based on an analysis of costs and benefits within any cost limitations that may be applicable to the program at the time the report is submitted.

"(f) REPORT BY COMPTROLLER GENERAL.—The Comptroller General shall monitor the conduct of the operational test and evaluation phase referred to in subsection (d) and related Composite Health Care System acquisition activities. Not later than the end of the 30-day period beginning on the date that the Armed Services Committees receive the report submitted by the Secretary under subsection (e), the Comptroller General shall submit to the Armed Services Committees a report evaluating—

"(1) the results of the operational test and evaluation phase; and

Contracts

"(2) the competitive acquisition process the Secretary is following in awarding a contract for full production of a medical information system for use in all military medical treatment facilities.

"(g) LIMITATION ON AWARDING CONTRACT FOR FULL PRODUCTION OF MEDICAL INFORMATION SYSTEM.—The Secretary may not award a contract for full production of a medical information system for use in all military medical treatment facilities until—

"(1) the Armed Services Committees receive the report submitted by the Secretary under subsection (e); and

"(2) 30 days elapse after the Armed Services Committees receive the report submitted by the Comptroller General under subsection (f).".

(e) DEFINITIONS.—Subsection (h) of such section, as redesignated by subsection (d)(1), is amended by adding at the end the following: 101 STAT. 1123

"(5) The term 'Armed Services Committees' means the Committees on Armed Services of the Senate and the House of Representatives.".

SEC. 734. GAO REPORT ON PAYMENT OF CERTAIN MEDICAL EXPENSES

(a) REVIEW.—The Comptroller General shall review and evaluate the practices under various insurance plans with respect to payments to hospitals for charges for medical services in cases in which the hospital does not impose a legal obligation on patients to pay for such services. In the review, the Comptroller General shall—

(1) review the practices with respect to such payments of private sector insurance plans, including self-insured plans, as well as federally sponsored or funded programs, including Medicare, Medicaid, and the Federal Employees' Health Benefit Plan; and

(2) provide an assessment and comparison of the practices with respect to such payments under regulations of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), together with such recommendations for changing such practices as the Comptroller General considers appropriate and an estimate of the costs involved in carrying out such recommendations.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review and evaluation required under subsection (a).

TITLE VIII—ACQUISITION POLICY

PART A—ACQUISITION PROCESS

SEC. 801. FUNCTIONS OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION

Section 138(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The Director may not be assigned any responsibility for developmental test and evaluation, other than the provision of advice to officials responsible for such testing.".

SEC. 802. SURVIVABILITY AND LETHALITY TESTING OF MAJOR SYSTEMS

(a) INCLUSION OF SIGNIFICANT PRODUCT IMPROVEMENT PROGRAMS.—(1) Subsection (a) of section 2366 of title 10, United States Code, is amended—

(A) by inserting "(1)" after "REQUIREMENTS.—";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(C) by adding at the end the following:

"(2) The Secretary of Defense shall provide that a covered product improvement program may not proceed beyond low-rate initial production until—

"(A) in the case of a product improvement to a covered system, realistic survivability testing is completed in accordance with this section; and 101 STAT. 1124

"(B) in the case of a product improvement to a major munitions program or a missile program, realistic lethality testing is completed in accordance with this section.

(2) Subsection (b)(1) of such section is amended—

(1) by inserting "(including a covered product improvement program)" after "system or program"; and

(2) by inserting "(or in the product modification or upgrade to the system, munition, or missile)" after "or missile".

(3) Subsection (c) of such section is amended by striking out "or

missile program" and inserting in lieu thereof "missile program, or covered product improvement program".

(4) Subsection (e) of such section is amended—

(A) by inserting "(or a covered product improvement program for a covered system)" in paragraph (4) after "in the case of a covered system";

(B) by inserting "(or a covered product improvement program for such a program)" in paragraph (5) after "missile program"; and

(C) by adding at the end the following new paragraph:

"(8) The term 'covered product improvement program' means a program under which—

"(A) a modification or upgrade will be made to a covered system which (as determined by the Secretary of Defense) is likely to affect significantly the survivability of such system; or

"(B) a modification or upgrade will be made to a major munitions program or a missile program which (as determined by the Secretary of Defense) is likely to affect significantly the lethality of the munition or missile produced under the program.".

(b) USE OF CONTRACTOR PERSONNEL IN OPERATIONAL TEST AND EVALUATION.—Subsection (b)(2) of such section is amended by adding at the end the following new sentence: "The limitation in the preceding sentence does not apply to the extent that the Secretary of Defense plans for persons employed by that contractor to be involved in the operation, maintenance, and support of the system being tested when the system is deployed in combat.".

Reports.

(c) EXPLANATION FOR WAIVERS BY SECRETARY OF DEFENSE.—Subsection (c) of such section is amended by adding at the end the following new sentence: "The Secretary shall include with any such certification a report explaining how the Secretary plans to evaluate the survivability or the lethality of the system or program and assessing possible alternatives to realistic survivability testing of the system or program.".

(d) REPORTING TO CONGRESS.—Such section is further amended—

(1) by inserting "(1)" in subsection (c) before "The Secretary";

(2) by striking out "(d)" and all that follows through "In time of war" and inserting in lieu thereof "(2) In time of war"; and

(3) by inserting before subsection (e) the following new subsection (d):

"(d) REPORTING TO CONGRESS.—At the conclusion of survivability or lethality testing under subsection (a), the Secretary of Defense shall submit a report on the testing to the defense committees of Congress (as defined in section 2362(e)(3) of this title).".

(e) DEFINITION OF REALISTIC SURVIVABILITY TESTING.—Subsection (e)(4) of such section is amended—

101 STAT. 1125

(1) by striking out "and survivability"; and

(2) by striking out "operational requirements" and inserting in lieu thereof "susceptibility to attack".

SEC. 803. OVERSIGHT OF COST OR SCHEDULE VARIANCES IN CERTAIN MAJOR ACQUISITION PROGRAMS

(a) ENHANCED PROGRAM STABILITY.—Section 2435(b)(2) of title 10, United States Code, is amended by striking out "under paragraph (1)" and inserting in lieu thereof the following: "under paragraph (1), and for which the total cost of completion of the stage will exceed by 15 percent or more, in the case of a development stage, or by 5 percent or more, in the case of a production stage, the amount specified in the baseline description established under subsection (a) for such stage; or any milestone specified in such baseline description will be missed by more than 90 days".

(b) MILESTONE AUTHORIZATION.—Section 2437 of such title is amended by redesignating paragraph (1) as paragraph (1)(A) and by adding at the end of such paragraph the following new subparagraph:

"(B) Notwithstanding the Secretary's failure to designate a program to be considered for milestone authorization under subparagraph (A), the Committees on Armed Services of the Senate and the House of Representatives may consider such program to have been designated as a defense enterprise program under this section. If the Secretary of Defense is not otherwise required to submit a baseline description for the program, the Secretary shall submit such a baseline description upon the written request of either such Committee."

(c) DEFENSE ENTERPRISE PROGRAM.—Section 2436(d)(1) of such title is amended by inserting after "concerned" the following: "with the approval of the Under Secretary of Defense for Acquisition".

SEC. 804. TRUTH-IN-NEGOTIATIONS ACT AMENDMENTS

Contracts.

(a) DEFINITION OF COST OR PRICING DATA.—Subsection (g) of section 2306a of title 10, United States Code, is amended to read as follows:

"(g) COST OR PRICING DATA DEFINED.—In this section, the term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification), a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived.".

(b) TECHNICAL AMENDMENTS.—(1) Subsection (a)(5) of such section is amended—

(A) by striking out the first sentence; and

(B) by striking out "such a waiver" and inserting in lieu thereof "a waiver under subsection (b)(2)".

(2) Subsection (e)(2) of such section is amended to read as follows:

"(2) Any liability under this subsection of a contractor that submits cost or pricing data but refuses to submit the certification required by subsection (a)(2) with respect to the cost or pricing data shall not be affected by the refusal to submit such certification.".

(c) EFFECTIVE DATES.—(1) Subsection (a) shall apply to any contract, or modification of a contract, entered into after the end of the 30-day period beginning on the date of the enactment of this Act.

10 USC 2306a note.

101 STAT. 1126

(2) The amendments made by subsection (b) shall apply with respect to contracts, or modifications of contracts, entered into after the end of the 120-day period beginning on October 18, 1986.

SEC. 805. ALLOWABLE COSTS NOT TO INCLUDE GOLDEN PARACHUTE PAYMENTS

Contracts.

(a) IN GENERAL.—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(K) Costs incurred in making any payment (commonly known as a 'golden parachute payment') which is—

"(i) in an amount in excess of the normal severance pay paid by the contractor to an employee upon termination of employment; and

"(ii) is paid to the employee contingent upon, and following, a change in management control over, or ownership of, the contractor or a substantial portion of the contractor's assets.".

(b) EFFECTIVE DATE.—Subparagraph (K) of section 2324(e)(1) of title 10, United States Code, as added by subsection (a), shall apply to any contract entered into after the end of the 120-day period beginning on the date of the enactment of this Act.

10 USC 2324 note.

SEC. 806. REQUIREMENT FOR SUBSTANTIAL PROGRESS ON MINORITY AND SMALL BUSINESS CONTRACT AWARDS

10 USC 2301 note.

(a) REQUIREMENT FOR SUBSTANTIAL PROGRESS.—The Secretary of Defense shall ensure that substantial progress is made in increasing awards of Department of Defense contracts to section 1207(a) entities.

(b) REGULATIONS.—The Secretary shall carry out the requirement of subsection (a) through the issuance of regulations which provide for the following:

(1) Guidance to contracting officers for making advance payments to section 1207(a) entities under section 2307 of title 10, United States Code.

(2) Procedures or guidelines for contracting officers to—

(A) set goals which Department of Defense prime contractors that are required to submit subcontracting plans under section 8(d)(4)(B) of the Small Business Act (15 U.S.C. 637(d)(4)(B)) in furtherance of the Department's program to meet the 5 percent goal established under section 1207 of the National Defense Authorization Act for Fiscal Year 1987 should meet in awarding subcontracts, including subcontracts to minority-owned media, to section 1207(a) entities; and

(B) provide incentives for such prime contractors to increase subcontractor awards to section 1207(a) entities.

(3) A requirement that contracting officers emphasize the award of contracts to section 1207(a) entities in all industry categories, including those categories in which section 1207(a) entities have not traditionally dominated.

(4) Guidance to Department of Defense personnel on the relationship among the following programs:

(A) The program implementing section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973).

(B) The program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)). 101 STAT. 1127

(C) The small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)).

(5) A requirement that a business which represents itself as a section 1207(a) entity and is seeking a Department of Defense contract maintain its status as such an entity at the time of contract award.

(6) With respect to a Department of Defense procurement which is reasonably likely to be set aside for section 1207(a) entities, a requirement that (to the maximum extent practicable) the procurement be designated as such a set-aside before the solicitation for the procurement is issued.

(7) Policies and procedures which, to the maximum extent practicable, will ensure that current levels in the number or dollar value of contracts awarded under the program established under section 8(a) of the Small Business Act and under the small business set-aside program established under section 15(a) of the Small Business Act are maintained and that every effort is made to provide new opportunities for contract awards to eligible entities, in order to meet the goal of section 1207 of the National Defense Authorization Act for Fiscal Year 1987.

(8) Implementation of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 in a manner which will not alter the procurement process under the program established under section 8(a) of the Small Business Act.

(9) A requirement that one factor used in evaluating the performance of contracting officers be the ability of the officer to increase contract awards to section 1207(a) entities.

(10) Partial set-asides for section 1207(a) entities.

(11) Increased technical assistance to section 1207(a) entities.

(12) A prohibition of the award of a contract under section 1207 of the National Defense Authorization Act for Fiscal Year 1987 to a section 1207(a) entity unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act.

(c) DEFINITION OF SECTION 1207(a) ENTITIES.—For purposes of this section, the term "section 1207(a) entities" means the small business concerns, historically Black colleges and universities, and minority institutions described in section 1207(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973), as amended by subsection (d).

(d) CLARIFICATION OF COVERAGE OF SECTION 1207(a) ENTITIES.—Section 1207(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973) is amended— 10 USC 2301 note.

(1) by striking out "or" at the end of paragraph (2) and inserting in lieu thereof "and";

(2) by striking out "(as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.))" in paragraph (3) and inserting in lieu thereof "(as defined in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058))"; and

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", including any nonprofit research institution that was an integral part of a historically Black college or university before November 14, 1986.".

101 STAT. 1128

SEC. 807. AMENDMENTS TO PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

(a) FUNDING.—(1) Of the amounts appropriated for operation and maintenance for the Defense Agencies, $7,000,000 is available for each of fiscal years 1988 and 1989 only for the purpose of carrying out cooperative agreements entered into by the Secretary of Defense under chapter 142 of title 10, United States Code, to furnish procurement technical assistance to business entities.

(2) Of the amount provided under paragraph (1) for fiscal year 1988, $500,000 shall be available only for the purpose of carrying out programs sponsored by eligible entities defined in subparagraph (D) of section 2411(1) of title 10, United States Code (as amended by subsection (b)), that provide procurement technical assistance in distressed areas as defined in subparagraph (B) of section 2411(2) of such title (as amended by subsection (b)). If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds authorized under this paragraph in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415(c) of such title.

(b) AMENDMENTS TO DEFINITIONS OF ELIGIBLE ENTITY AND DISTRESSED AREA.—(1) Paragraph (1) of section 2411 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(D) A tribal organization, as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 25 U.S.C. 450(c)), or an economic enterprise, as defined in section 3(e) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(e)).".

(2) Paragraph (2) of such section is amended—

(A) by striking out "means" and inserting in lieu thereof "means—";

(B) by designating the text beginning with "the area of a unit" as subparagraph (A) and indenting such text two additional ems;

(C) by redesignating subparagraphs (A) and (B) in such text as clauses (i) and (ii) and indenting such clauses (as redesignated) two additional ems;

(D) by striking out the period at the end of such subparagraph (A) (as redesignated) and inserting in lieu thereof "; or"; and

(E) by adding at the end the following new subparagraph:

"(B) a reservation, as defined in section 3(d) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(d)).".

(c) TECHNICAL REVISION OF FUND DISTRIBUTION METHOD.—Section 2415 of title 10, United States Code, is amended—

(1) by striking out subsections (a) and (b); and

(2) by striking out "(c) For any amount" and all that follows through "$3,000,000, the" and inserting in lieu thereof "The".

Contracts.

SEC. 808. RIGHTS IN TECHNICAL DATA

(a) IN GENERAL.—(1) Section 2320(a) of title 10, United States Code, is amended by adding at the end of paragraph (1) the following: "Such regulations also may not impair the right of a contractor or subcontractor to receive from a third party a fee or royalty for the use of technical data pertaining to an item or process developed exclusively at private expense by the contractor or subcontractor, except as otherwise specifically provided by law.".

101 STAT. 1129

(2) Paragraph (2)(E) of such section is amended—

(A) by striking out "agreed upon" and inserting in lieu thereof "established";

(B) by striking out the comma after "negotiations)" and inserting in lieu thereof the following: "and shall be based upon negotiations between the United States and the contractor, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiations would not be practicable. The establishment of such rights shall be"; and

(C) by adding at the end the following new clause:

"(iv) Such other factors as the Secretary of Defense may prescribe.".

(3) Paragraph (2)(F) of such section is amended to read as follows:

"(F) A contractor or subcontractor (or a prospective contractor or subcontractor) may not be required, as a condition of being responsive to a solicitation or as a condition for the award of a contract—

"(i) to sell or otherwise relinquish to the United States any rights in technical data except—

"(I) rights in technical data described in subparagraph (C); or

"(II) under the conditions described in subparagraph (D); or

"(ii) to refrain from offering to use, or from using, an item or process to which the contractor is entitled to restrict rights in data under subparagraph (B).".

(4) Paragraph (2)(G) of such section is amended—

(A) in clause (i)—

(i) by striking out "pertaining" and all that follows through "private expense" and inserting in lieu thereof "not otherwise provided under subparagraph (C) or (D),"; and

(ii) by striking out "or" at the end of such clause;

(B) in clause (ii)—

(i) by striking out "such regulations" and inserting in lieu thereof "this section"; and

(ii) by striking out the period at the end and inserting in lieu thereof "; or"; and

(C) by adding at the end of such paragraph the following new clause:

"(iii) permit a contractor or subcontractor to license directly to a third party the use of technical data which the contractor is otherwise allowed to restrict, if necessary to develop alternative sources of supply and manufacture.".

(5) Paragraph (3) of such section is amended—

(A) by striking out "and 'private expense' " and inserting in lieu thereof ", 'exclusively with Federal funds', and 'exclusively at private expense' "; and

(B) by adding at the end the following: "In defining such terms, the Secretary shall specify the manner in which indirect

costs shall be treated and shall specify that amounts spent for independent research and development and bid and proposal costs shall not be considered to be Federal funds for the purposes of definitions under this paragraph.". 101 STAT. 1130

(b) CONDUCT OF NEGOTIATIONS.—Section 2320(c) of such title is amended—

(1) by striking out "from" and inserting in lieu thereof "from—";

(2) by designating the text beginning with "prescribing standards" as paragraph (1) and indenting such text two ems;

(3) by striking out the period at the end of such paragraph and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new paragraph:

"(2) prescribing reasonable and flexible guidelines, including negotiation objectives, for the conduct of negotiations regarding the respective rights in technical data of the United States and the contractor.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of— 10 USC 2320 note.

(1) the last day of the 120-day period beginning on the date of the enactment of this Act; or

(2) the date on which regulations are prescribed and made effective to implement such amendments.

SEC. 809. SMALL BUSINESS SET-ASIDE PROGRAM AMENDMENTS

(a) SMALL BUSINESS SMALL PURCHASE RESERVE EXCLUDED FROM ANNUAL GOALS.—(1) Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by inserting "having a value of $25,000 or more" after "procurement contracts of such agency" in the first sentence. Such amendment shall be in effect until September 30, 1988.

(2) Such section is amended, effective October 1, 1988, by striking out "having a value of $25,000 or more" after "procurement contracts of such agency".

(b) SUBCONTRACTING LIMITATIONS.—(1) Section 15(o) of the Small Business Act (15 U.S.C. 644(o)) is amended by striking out "this subsection" and inserting in lieu thereof "subsection (a)".

(c) REPEAL.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is repealed.

(d) INITIAL REVIEW OF SIZE STANDARDS.—Paragraph (3) of section 921(h) of the Defense Acquisition Improvement Act of 1986 (as contained in title IX of Public Law 99-661) is amended by striking out the second and third sentences and inserting in lieu thereof the following: "The Administrator shall publish proposed regulations, including any revised size standards, in the Federal Register by November 30, 1987, or the date of enactment of the National Defense Authorization Act for Fiscal Years 1988 and 1989, whichever is later. The proposed regulations shall provide not less than 60 days for public comment. The Administrator shall issue final regulations not later than May 31, 1988.". 15 USC 632 note. Regulations. Federal Register, publication.

SEC. 810. CONTRACT TERMS AND CONDITIONS RELATING TO CONTRACTOR COSTS FOR PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2329. Production special tooling and production special test equipment: contract terms and conditions 10 USC 2329.

"(a) REGULATIONS.—The Secretary of Defense (acting through the Under Secretary of Defense for Acquisition) shall prescribe regulations providing for payment to contractors for production special tooling and production special test equipment acquired or fabricated in the performance of contracts described in subsection (b). Such regulations shall establish a uniform policy for the Department of Defense. 101 STAT. 1131

"(b) CONTRACTS TO WHICH REGULATIONS APPLY.—(1) Except as provided in paragraph (2), regulations under this section shall apply in the case of any contract for production of an item that is awarded by the Secretary of a military department and under which the contractor, in order to perform the contract, is required to acquire or fabricate items of production special tooling or items of production special test equipment.

"(2) Such regulation shall not apply to a contract in which the cost to the contractor of the special production tooling and special production test equipment used in the performance of the contract is less than $1,000,000.

Regulations.

"(c) REQUIREMENTS.—Regulations under subsection (a) shall include the following:

"(1) A requirement that the terms and conditions for the acquisition or fabrication of production special test equipment and production special tooling by a contractor under a contract described in subsection (b) (including specification of the maximum amount for which the contractor may be paid for such tooling and equipment)—

"(A) shall be specified in the contract, and

"(B) shall be determined by the Secretary concerned and the contractor through negotiations.

"(2) A requirement that if the Secretary concerned, at the time a contract described in subsection (b) is entered into, reasonably anticipates that the United States will later contract with the same contractor for the same or similar items for which the contractor would be able to use the special production tooling or special production test equipment that the contractor was required to acquire or fabricate for performance of the contract, and if that tooling and equipment will not be used by the contractor solely for final production acceptance testing under the contract, the contractor—

"(A) shall be paid for such tooling and equipment in accordance with the terms and conditions of the contract, but in a total amount not less than a percentage (determined under paragraph (3)) of the maximum amount for such payment agreed to under paragraph (1); and

"(B) shall be paid for the balance of such amount subject to the availability of appropriations and in accordance with an amortization schedule determined by the Secretary concerned and the contractor through negotiations.

"(3) The percentage to be used under paragraph (2)(A) shall be specified in the contract based upon negotiations between the Secretary concerned and the contractor and may not be less than 50 percent, except that a lower percentage may be specified in the case of any contract if the Secretary concerned, before the contract is entered into, approves the use of that lower percentage with respect to that contract. Any such approval by the Secretary concerned shall be made under criteria established by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition.

101 STAT. 1132

"(4) A requirement that a contract described in subsection (b) include provisions, determined on the basis of negotiations between the Secretary concerned and the contractor, which ensure that if the contract, or the program with respect to which such contract is awarded, is terminated before the maximum amount specified under paragraph (1) has been paid to the contractor, and the termination is not for a reason that reflects a failure of the contractor to perform the contract, the Secretary concerned, subject to the availability of appropriations, shall pay the contractor the balance of such maximum amount in accordance with the terms and conditions of the contract.

"(5) A requirement that, except as provided in paragraph (2), a contractor under a contract described in subsection (b) shall be paid for the special production tooling or special production test

equipment that the contractor was required to acquire or fabricate for performance under the contract in the maximum amount provided in the contract and in accordance with the terms and conditions of the contract.

"(d) Costs incurred by a contractor under a contract described in subsection (b) for the acquisition and fabrication of production special tooling and production special test equipment for which reimbursement is made under this section shall be considered to be direct costs incurred by the contractor.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2329. Production special tooling and production special test equipment: contract terms and conditions.".

(b) EFFECTIVE DATE.—Section 2329 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into pursuant to solicitations issued after the end of the 120-day period beginning on the date of the enactment of this Act. 10 USC 2329 note.

PART B—OTHER ACQUISITION MATTERS

SEC. 821. CONFLICT OF INTEREST IN DEFENSE PROCUREMENT

Section 2397b(a)(1)(C) of title 10, United States Code, is amended by striking out "acted as a primary representative" and inserting in lieu thereof "acted as one of the primary representatives".

SEC. 822. RESTATEMENT AND MODIFICATION OF RESTRICTIONS ON RETIRED MILITARY OFFICERS REGARDING CERTAIN MATTERS AFFECTING THE GOVERNMENT

(a) REPEAL OF PRIOR LAW.—Sections 281 and 283 of title 18, United States Code, to the extent that such sections were not repealed by section 2 of Public Law 87-849 (76 Stat. 1126; approved October 23, 1962), are repealed.

(b) RESTATEMENT AND MODIFICATION OF LAW.—(1) Chapter 15 of title 18, United States Code, is amended by inserting after the table of sections the following new section:

"§ 281. Restrictions on retired military officers regarding certain matters affecting the Government Law enforcement and crime. 18 USC 281.

"(a)(1) A retired officer of the Armed Forces who, while not on active duty and within two years after release from active duty, directly or indirectly receives (or agrees to receive) any compensation for representation of any person in the sale of anything to the United States through the military department in which the officer is retired (in the case of an officer of the Army, Navy, Air Force, or Marine Corps) or through the Department of Transportation (in the case of an officer of the Coast Guard) shall be fined under this title or imprisoned not more than two years, or both. 101 STAT. 1133

"(2) Any person convicted under paragraph (1) shall be incapable of holding any office of honor, trust, or profit under the United States.

"(b) A retired officer of the Armed Forces who, while not on active duty and within two years after release from active duty, acts as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States—

"(1) involving the military department in which the officer is retired (in the case of an officer of the Army, Navy, Air Force, or Marine Corps) or the Department of Transportation (in the case of an officer of the Coast Guard); or

"(2) involving any subject matter with which the officer was directly connected while in an active-duty status;

shall be fined under this title or imprisoned not more than one year, or both.

"(c) This section does not apply—

"(1) to any person because of the person's membership in the National Guard of the District of Columbia; or District of Columbia.

"(2) to any person specifically excepted by law.".

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 281 through 284 and inserting in lieu thereof the following new item:

"281. Restrictions on retired military officers regarding certain matters affecting the Government.".

Contracts.

SEC. 823. RESTRICTION ON PURCHASE OF FOREIGN-MADE ADMINISTRATIVE MOTOR VEHICLES

(a) VEHICLES FOR USE INSIDE THE UNITED STATES.—Neither the Secretary of Defense nor the Secretary of a military department may enter into a contract during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, for the procurement of administrative motor vehicles that are manufactured in a country other than the United States or Canada and are for use inside the United States unless the type of motor vehicle proposed to be procured is not available in sufficient and reasonably available quantities and satisfactory quality from a manufacturer in the United States or Canada.

(b) VEHICLES FOR USE OVERSEAS.—(1) Neither the Secretary of Defense nor the Secretary of a military department may enter into a contract during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, for the procurement of administrative motor vehicles that are manufactured in a country other than the United States or Canada and are for use outside the United States (other than motor vehicles intended for use in security, intelligence, and criminal investigative operations) unless firms which manufacture similar vehicles in the United States or Canada are afforded a fair opportunity to compete for the contract.

(2) In awarding any contract subject to paragraph (1), the Secretary of Defense or the Secretary of the military department concerned may take into consideration the cost and availability of maintenance and other logistic services and supplies required for the operation of such vehicles.

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(c) EXCEPTIONS.—This section shall not apply to the procurement of administrative motor vehicles in the case of a contract—

(1) for an amount less than $50,000; or

(2) that is specifically authorized by law.

(d) APPLICABILITY.—(1) Except as provided in paragraph (2)(B), subsection (b) shall not apply in the case of a contract authorized or required to be entered into as provided under the terms of a country-to-country agreement for the support of United States Armed Forces in Europe if the agreement is in existence on the date of the enactment of this Act.

(2)(A) After the date of the enactment of this Act, the Secretary of Defense may not enter into a country-to-country agreement for the support of United States Armed Forces in Europe that is inconsistent with the limitations on the procurement of administrative motor vehicles under this section applicable during the period beginning on the date of the enactment of this Act and ending on September 30, 1989.

(B) If an agreement described in paragraph (1) is renewed or extended after the date of the enactment of this Act, the Secretary shall ensure that such agreement, as renewed or extended, is not inconsistent with the limitations on the procurement of administrative motor vehicles under this section applicable during the period beginning on the date of the enactment of this Act and ending on September 30, 1989.

SEC. 824. PROCUREMENT OF MANUAL TYPEWRITERS FROM WARSAW PACT COUNTRIES

(a) MOST-FAVORED-NATION COUNTRIES.—Section 2400 of title 10, United States Code, as amended by section 124, is amended by adding at the end the following:

"(c) MANUAL TYPEWRITERS FROM WARSAW PACT COUNTRIES.—Funds appropriated to or for the use of the Department of Defense

may not be used for the procurement of manual typewriters which contain one or more components manufactured in a country which is a member of the Warsaw Pact unless the products of that country are accorded nondiscriminatory treatment (most-favored-nation treatment).".

(b) CONFORMING REPEAL.—Section 1262 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 703), is repealed.

SEC. 825. SENSE OF CONGRESS ON PREPARATION OF CERTAIN ECONOMIC IMPACT AND EMPLOYMENT INFORMATION CONCERNING NEW ACQUISITION PROGRAMS

10 USC 2432 note.

It is the sense of Congress that the Secretary of Defense should not, before an acquisition program is approved to proceed into full-scale development, prepare any material, report, list, or analysis with respect to economic benefits or the employment impact of that program in a particular State or congressional district.

TITLE IX—MATTERS RELATING TO ARMS CONTROL

Union of Soviet Socialist Republics.

SEC. 901. MISSILE TECHNOLOGY CONTROL REGIME

(a) FINDINGS.—The Congress finds that—

(1) the proliferation of nuclear weapons and of missiles capable of the delivery of nuclear weapons is a threat to international peace and security;

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(2) in the early 1980's, the danger of the proliferation of such weapons and missiles was formally recognized in discussions among the governments of the United States, Canada, France, the Federal Republic of Germany, Italy, Japan, and the United Kingdom; and

(3) these seven governments, after four years of negotiations, on April 7, 1987, concluded an agreement known as the Missile Technology Control Regime, for the purpose of limiting the proliferation of missiles capable of the delivery of nuclear weapons (and hardware and technology related to such missiles) throughout the world.

International agreements.

(b) EXPRESSIONS OF CONGRESS.—The Congress—

(1) expresses its firm support for the Missile Technology Control Regime as a means of enhancing international peace and security;

(2) expresses its strong hope that all nations of the world will adhere to the Guidelines of the Missile Technology Control Regime; and

(3) expresses its expectation that all relevant agencies of the United States Government will ensure the fully effective implementation of this regime.

(c) REPORT ON MANPOWER REQUIRED TO IMPLEMENT THE MISSILE TECHNOLOGY CONTROL REGIME.—(1) Not later than February 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) identifying the functional responsibilities of the Department of Defense for implementing the Missile Technology Control Regime;

(B) describing the number and skills of personnel currently available in the Department of Defense to perform these functions; and

(C) assessing the adequacy of these resources for the effective performance of these responsibilities.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel and the grades of such personnel and the special knowledge, experience, and expertise of such personnel, required to carry out each of the following responsibilities of the Department under the regime:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.
(C) Policy coordination.
(D) International liaison activity.
(E) Enforcement and technology security operations.
(F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to the regime.

SEC. 902. SENSE OF CONGRESS ON THE KRASNOYARSK RADAR

(a) FINDINGS.—The Congress finds the following:

International agreements.

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party to the Treaty from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

101 STAT. 1136

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party to the Treaty from deploying an anti-ballistic missile system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the 1972 Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(5) The Krasnoyarsk radar is more than 700 kilometers from the Soviet-Mongolian border and is not directed outward but instead, faces the northeast Soviet border more than 4,500 kilometers away.

(6) The Krasnoyarsk radar is identical to other Soviet ballistic missile early warning radars and is ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic missile early warning radar network.

(7) The President has certified that the Krasnoyarsk radar is an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Soviet Union is in violation of its legal obligation under the 1972 Anti-Ballistic Missile Treaty.

International agreements.

SEC. 903. REPORT ON COMPLIANCE BY THE SOVIET UNION WITH THRESHOLD TEST BAN TREATY

President of U.S.

(a) IN GENERAL.—The President shall submit to Congress, not later than 30 days after the date of the enactment of this Act, a report discussing the use of the current official United States method of estimating the yield of Soviet underground nuclear tests to determine the extent to which the Soviet Union is complying with the 150 kiloton limit on underground nuclear tests contained in the Threshold Test Ban Treaty.

(b) FORM AND CONTENT OF REPORT.—The report shall be submitted in both classified form and (if possible) unclassified form and shall include the following matters:

(1) A discussion of whether past assessments made by the United States of the extent of Soviet compliance with the 150 kiloton limit contained in the Threshold Test Ban Treaty would have been different if the United States, in making those assessments, had used the current official United States method of estimating the yield of underground nuclear tests conducted by the Soviet Union.

(2) The number of nuclear tests conducted by the Soviet Union after March 31, 1976, that have a central value exceeding

150 kilotons yield (estimated on the basis of the current official method used by the United States in estimating underground nuclear test yields), the central value of those tests (estimated on such basis), and the dates on which those tests were conducted.

(3) The number, dates, and estimated central values of tests, if any, conducted by the United States after March 31, 1976, which, if measured on the basis of the current official method used by the United States in estimating Soviet underground nuclear test yields (taking into account the differences between the United States and Soviet test sites), would have an indicated central value exceeding 150 kilotons yield. 101 STAT. 1137

(4) The number of tests conducted by the United States after March 31, 1976, if any, which actually had yields exceeding 150 kilotons, the estimated central value of each such test, and the date on which each such test was conducted.

(5) A description of all nuclear testing activities of the Soviet Union which the President has found to be likely violations of the legal obligations under the Threshold Test Ban Treaty, the dates on which those activities took place, and the specific legal obligations under the Threshold Test Ban Treaty likely to have been violated by the Soviet Union in conducting such activities.

(6) A discussion of whether and, if so, the extent to which, the President, in arriving at his finding that several nuclear tests conducted by the Soviet Union constituted a likely violation of legal obligations under the Threshold Test Ban Treaty, considered the mutual agreement contained in the Threshold Test Ban Treaty which permits one or two minor, unintended breaches of the 150 kiloton limit per year to be considered nonviolations of the Treaty.

(7) A detailed comparison of the current official method used by the United States Government in estimating Soviet underground nuclear test yields with the method replaced by the current method, and the date on which the current official method was adopted by the United States.

SEC. 904. CONGRESSIONAL FINDINGS AND DECLARATIONS CONCERNING ARMS CONTROL NEGOTIATIONS

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) The United States and the Soviet Union are currently engaged in negotiations to conclude a treaty on intermediate-range nuclear forces (INF) and are continuing serious negotiations on other issues of vital importance to the national security of the United States.

(2) The current negotiations, which reflect delicate compromises on both sides, are a culmination of years of detailed and complex negotiations in which the negotiators for the United States have been pursuing a policy consistently advocated by the past two Presidents regarding nuclear arms control in the European theater.

(3) While recognizing fully that the President, under clause 2, section 2, article II of the Constitution, has the power, by and with the advice and consent of the Senate, to make treaties, the Congress also recognizes the special responsibility conferred by the Founding Fathers on the Senate in requiring that it give its advice and consent before a treaty may be ratified by the United States and that in carrying out this responsibility the Senate is accountable to the people of the United States and has a duty to ensure that no treaty is ratified which would be detrimental to the welfare and security of the United States. President of U.S.

(4) In recognition of this responsibility, the Senate has established a special continuing oversight body, the Arms Control Observer Group, which over the last two and one-half years has Arms Control Observer Group, establishment.

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functioned to provide advice and counsel to the President and his negotiators, when appropriate, on a continuing basis during the course of the negotiations to achieve an INF treaty.

President of U.S.

(5) The Senate and the President both have a role under the Constitution in the making of treaties and Congress as a whole has a role under the Constitution in the regulating of expenditures, including expenditures for weapons systems that may be the subject of treaty negotiations.

(b) CONGRESSIONAL DECLARATIONS.—In light of the findings in subsection (a), Congress—

(1) fully supports the efforts of the President to negotiate stabilizing, equitable, and verifiable arms reduction treaties with the Soviet Union;

(2) endorses the principle of mutuality and reciprocity in arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union; and

(3) urges the President to take care that no provision is agreed to in those negotiations that would be harmful to the security of the United States or its allies and friends.

(c) DECLARATION OF THE SENATE.—The Senate declares that it will reserve judgment regarding the approval of any arms control treaty until it has conducted a thorough examination of the provisions of the treaty and has assured itself that those provisions—

(1) are effectively verifiable; and

(2) serve to enhance the strength and security of the United States and its allies and friends.

SEC. 905. REPORT ON MILITARY CONSEQUENCES OF THE ELIMINATION OF BALLISTIC MISSILES

(a) REPORT REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and House of Representatives a report examining the military consequences of any arms control agreement between the United States and the Soviet Union that would provide for the elimination of all strategic ballistic missiles of the United States and the Soviet Union.

(b) MATTERS TO BE DISCUSSED.—Such report shall be submitted in both classified and unclassified form and shall include a discussion of the strategic, budgetary, and force structure implications of an agreement described in subsection (a) for—

(1) conventional defenses of the United States and its allies in Europe, the Far East, and other regions vital to the national security of the United States;

(2) tactical nuclear deterrence by the United States in those regions;

(3) strategic offensive retaliatory systems of the United States that would not be affected by such an agreement, including bomber forces and cruise missiles;

(4) air defenses of the United States needed to counter bomber forces and cruise missiles of the Soviet Union;

(5) Strategic Defense Initiative programs designed to provide possible defenses against strategic ballistic missiles; and

(6) any new programs which the Chairman of the Joint Chiefs of Staff may consider necessary in order for the United States to

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protect its national security interests in light of the relative advantage conferred by such an agreement on other nations possessing nuclear weapons whose strategic ballistic missile forces would not be affected by the agreement.

SEC. 906. REPORT ON IMPLICATIONS OF CERTAIN ARMS CONTROL POSITIONS

Not later than June 30, 1988, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified versions, containing the following:

(1) A description of the quantitative and qualitative implications for the strategic modernization program of the United States of the publicly-announced position of the United States at the Strategic Arms Reduction Talks in Geneva, giving special, but not exclusive, attention to the implications of such position for the Trident SSBN program, the rail-garrison Peacekeeper program, and the small intercontinental ballistic missile ("Midgetman") program.

(2) A description of the advantages and drawbacks of following the recommendations made in 1983 in the report of the President's Commission on Strategic Forces with regard to research on smaller ballistic-missile carrying submarines, each carrying fewer missiles than the Trident, as a potential follow-on to the Trident submarine force.

(3) The recommendations of the Secretary of Defense with regard to paragraphs (1) and (2) on United States force modernization policy and arms control policy.

SEC. 907. SUPPORT FOR NUCLEAR RISK REDUCTION CENTERS

International agreements.

(a) Congress applauds the recent signing of an agreement between the United States and the Soviet Union on the establishment of nuclear risk reduction centers. Congress regards this agreement as an important and practical first step in reducing the threat of nuclear war due to accident, misinterpretation, or miscalculation. Congress notes that the agreement calls for centers to be established in each nation's respective capital for the routine exchange of information and advanced notification of nuclear and missile testing.

(b) It is the hope of Congress that this first step in nuclear risk reduction will increase the confidence and mutual trust of both parties to the agreement and lead to an expansion in functions to reduce further the chances of accidental war. Such functions may include joint discussions on crisis prevention and the development of strategies to deal with incidents or threats of nuclear terrorism, nuclear proliferation, or other mutually agreed upon issues of concern in reducing nuclear risk.

TITLE X—MATTERS RELATING TO NATO COUNTRIES AND OTHER ALLIES

PART A—NATO DETERRENCE

SEC. 1001. REPORT ON REQUIREMENTS FOR MAINTAINING NATO'S STRATEGY OF DETERRENCE

(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress a report regarding the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s. The report shall include a specific discussion of the implications for such deterrence if the United States and the Soviet Union agree to a treaty which requires the elimination of all intermediate-range nuclear force (INF) missiles having a range between 500 and 5,500 kilometers. The report shall be prepared in consultation with the Supreme Allied Commander, Europe, and the Chairman of the Joint Chiefs of Staff.

101 STAT. 1140

(b) FORM AND CONTENT OF REPORT.—The Secretary shall submit the report required by subsection (a) in both classified and unclassified forms and shall include in the report the following:

(1) A discussion of the effect that the elimination under an INF treaty of intermediate range missiles deployed by the United States and the Soviet Union would likely have on the ability of NATO to maintain an effective flexible response strategy and credible deterrence.

(2) The appropriate numbers and types of nuclear weapons and nuclear-capable delivery systems of the United States not limited by the proposed INF treaty which the Secretary of

Defense recommends for deployment in or redeployment to the European theater if an INF treaty is ratified and enters into force, including a description of any nuclear modernization program the Secretary has recommended or proposes to recommend as necessary to ensure that NATO will be able to maintain a credible and effective military strategy.

(3) A discussion of the balance between the nonnuclear forces of NATO and the Warsaw Pact in the European theater, the likelihood of NATO making significant improvements in that balance over the next few years, the potential effect of conventional force balance alternatives currently under consideration by the United States Government, and the likelihood and potential effect of a new agreement between NATO and the Warsaw Pact limiting nonnuclear forces on that balance.

(4) A discussion of the feasibility and cost effectiveness of substituting advanced conventional munitions for nuclear weapons currently deployed by NATO, including a discussion of the costs of such weapons and prospects for sharing such costs among NATO allies.

(5) A description of nonnuclear forces that would be needed to support the operational concept of Follow-on Forces Attack (FOFA).

(6) The status of improvements being made in the air defenses of NATO in Europe.

(7) A discussion of the views of the leaders of member nations of NATO (other than the United States) and of the Supreme Allied Commander, Europe (SACEUR), on the matters described in paragraphs (1) through (5).

(c) DEADLINE OF REPORT.—The report required by subsection (a) shall be submitted not later than the earlier of—

(1) 90 days after the date of the enactment of this Act; or

(2) the date on which the President submits to the Senate for its advice and consent a treaty described in subsection (a).

SEC. 1002. SENSE OF CONGRESS ON LEVEL OF UNITED STATES FORCES PERMANENTLY STATIONED IN EUROPE IN SUPPORT OF NATO

(a) FINDINGS.—The Congress makes the following findings with respect to the level of United States military forces permanently
101 STAT. 1141 stationed in Europe:

(1) The agreement in principle between the United States and the Soviet Union to eliminate all intermediate-range nuclear missiles has important implications for the defense posture of the North Atlantic Treaty Organization alliance.

(2) The presence of United States forces in Europe constitutes the most visible and meaningful evidence of the continuing strong commitment of the United States to the integrity of the alliance.

(3) NATO Defense Ministers stated in May 1987 that the "continued presence of United States forces at existing levels in Europe plays an irreplaceable role in the defense of North America as well as Europe".

(b) SENSE OF CONGRESS.—(1) In light of the findings in subsection (a), it is the sense of Congress that—

(A) the stationing in Europe of United States military forces in support of NATO at the level of military personnel permanently stationed in Europe in support of NATO on the date of the enactment of this Act plays an indispensable role for peace and deterrence; and

(B) the commitment of United States forces should be continued at that level (assuming all existing basing agreements remain in effect).

(2) It is further the sense of Congress that it would not be inconsistent with the sense of Congress expressed in paragraph (1) if the actual number of United States military personnel permanently stationed in Europe in support of NATO at any time falls below the

level of such personnel on the date of the enactment of this Act because of administrative fluctuations or if such level is reduced following a determination by the President that national security considerations require such a reduction.

SEC. 1003. STUDY OF FUTURE OF NATO

The Secretary of Defense shall contribute, from funds appropriated for fiscal year 1988 for operation and maintenance of Defense Agencies, the amount of $50,000 to the North Atlantic Assembly for a study on the future of the North Atlantic Treaty Organization.

PART B—BURDEN SHARING

SEC. 1011. STUDY OF DEFENSE EXPENDITURES IN JAPAN

Far East.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study of the ways in which the United States may further its national security interests in the Far East.

(b) REPORT.—Within 90 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on such study. The report shall contain—

(1) the plans of the Department of Defense in the current five-year defense plan for defense expenditures for each fiscal year covered by the plan to be made in support of United States security interests in the Far East and, of such planned expenditures in each such fiscal year, how much is attributable to projected increases in defense outlays for that fiscal year;

(2) the projections for national defense expenditures by Japan for each such fiscal year;

(3) the projections for national defense expenditures by the United States directly in support of United States forces, facilities, and equipment stationed or located in Japan for each such fiscal year; and

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(4) the projections for national defense expenditures by Japan directly in support of United States forces stationed in Japan for each such fiscal year.

SEC. 1012. SENSE OF CONGRESS REGARDING JAPAN'S CONTRIBUTIONS TO GLOBAL STABILITY

(a) FINDINGS.—The Congress makes the following findings:

(1) The alliance of the United States and Japan is the foundation for the security of Japan and peace in the Far East and is a major contributing factor to the democratic freedoms and economic prosperity enjoyed by both the United States and Japan.

(2) Threats to the security of both the United States and Japan have increased significantly since 1976, principally as the result of—

(A) the occupation of Afghanistan by the Soviet Union;

Afghanistan.
Union of Soviet Socialist Republics.

(B) the continued expansion and buildup of military forces of the Soviet Union (particularly the expansionist efforts by the Soviet Union in the South Pacific and the buildup of the Soviet Pacific fleet);

South Pacific.

(C) the occupation of Cambodia by Vietnam; and

Cambodia.
Vietnam.

(D) instability in the Persian Gulf region (from which Japan receives 60 percent of its petroleum and one-third of its total energy requirements).

Persian Gulf.

(3) In keeping with the declaration made at the 1983 meeting in Williamsburg, Virginia, of the leaders of the leading industrialized democracies that "the security of our countries is indivisible and must be approached on a global basis", the government of Japan—

(A) has raised its defense spending by an average of 5 percent per year since 1981;

(B) has rescinded a limit on annual expenditures for defense of 1 percent of the gross national product of Japan; and

Seigo Suzuki.

(C) is fulfilling the pledge of Prime Minister Suzuki to defend the territory, airspace and sea lanes of Japan to a distance of 1,000 miles by 1990.

(4) While recognizing and applauding the actions by the government of Japan referred to in paragraph (3), Congress notes that Japan has the second largest gross national product in the world, is a major creditor nation, and has a large private savings rate, but nevertheless lags far behind other industrialized democracies in terms of the percentage of its gross national product that it spends for national defense and programs to promote global security and stability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States would welcome an initiative by Japan to assume a politically acceptable and significant global security role consistent with its economic status by taking the following actions:

(1) Increasing spending for its Official Development Assistance program and its defense programs so that, by 1992, the level of spending by Japan on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization on official development assistance and defense programs (stated as a percentage of their respective gross national products).

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Philippines. Oceania. Latin America. Caribbean nations. Mediterranean nations.

(2) Devoting increased spending for its Official Development Assistance program primarily to the Republic of the Philippines and regions of importance to global stability outside of East Asia, particularly Oceania, Latin America, and the Caribbean and Mediterranean nations.

(3) Devoting any increase in spending for that program primarily to concessional, untied grants and increasing the portion of total expenditures made for that program for those multilateral financial institutions of which Japan is a member.

(4) Designating those nations that are to be recipients of increased development assistance as described in paragraphs (1) through (3) through consultation with its security partners.

(5) Completing its five-year defense program for fiscal years 1986 through 1990 and, at the earliest possible date after the completion of that program, further enhancing the fulfillment of the pledge of Prime Minister Suzuki referred to in subsection (a)(3).

PART C—PROCUREMENT MATTERS

10 USC 2341 note. Contracts.

SEC. 1021. OVERSEAS WORKLOAD PROGRAM

(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) SITE FOR PERFORMANCE OF WORK.—A contract awarded during fiscal year 1988 or 1989 to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

(1) could adversely affect the military preparedness of the Armed Forces of the United States; or

(2) would violate the terms of an international agreement to which the United States is a party.

(d) REPORT REQUIREMENT.—(1) Not later than December 1, 1988, the Secretary of Defense shall submit to Congress a report on the

nature of the maintenance, repair, and overhaul work of the Department of Defense performed under the program of the Department of Defense known as the Overseas Workload Program.

(2) The report shall include the following:

(A) A description of the categories of work performed under that program and the costs associated with those categories of work.

(B) A description of the capabilities of facilities that United States firms have established in Europe to perform work under that program.

(C) A description of the capabilities to perform work under that program by firms in the United States, Canada, and countries that are major non-NATO allies of the United States. Canada.

101 STAT. 1144

(D) A description of the maintenance, repair, and overhaul work under that program that could be performed in the United States or Canada, or in a country that is a major non-NATO ally, on a cost-effective basis and without a significant adverse effect on the readiness of the Armed Forces of the United States. Canada.

(E) A list and detailed explanation of each of the instances, through October 31, 1988, in which the Secretary of a military department exercised the authority provided in subsection (c).

(e) DEFINITION.—For purposes of this section, the term "major non-NATO ally" has the meaning given that term by section 1105(g)(1) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661).

SEC. 1022. NATO COOPERATIVE PROJECT AGREEMENTS

Clause (C) of section 27(b)(1) of the Arms Export Control Act (22 U.S.C. 2767(b)(1)(C)) is amended by inserting "or for procurement by the United States of munitions from the North Atlantic Treaty Organization or a subsidiary of such organization" after "member country".

SEC. 1023. REPORT ON CO-PRODUCTION OR CO-ASSEMBLY OF M1A1 TANK

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress a detailed report on any plans of the Department of Defense as of the time of the submission of the report regarding co-production or co-assembly of the M1 or M1A1 Abrams tank with a foreign country. The Secretary shall include in such report the following:

(1) The status of any current negotiations by the Secretary of Defense with any foreign country regarding the co-production or co-assembly of the M1 or M1A1 tank by the United States and that country.

(2) A comparison of the long-term effects on the United States mobilization base of production of such tank under a co-production or co-assembly arrangement with a foreign country.

(3) The effect an arrangement with a foreign country for the co-production or co-assembly of such tank would have on the national security of the United States.

(b) DEADLINE FOR REPORT.—The Secretary shall submit the report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) CLASSIFICATION OF REPORT.—The Secretary shall submit the report required under subsection (a) in both classified and unclassified form.

SEC. 1024. WEAPONS STORAGE AND SECURITY SYSTEMS

(a) LIMITATION ON INSTALLATION.—Funds appropriated or otherwise made available to the Department of Defense for fiscal years 1988 and 1989 may not be expended for installation of Weapons Storage and Security Systems (WSSS) in the territory of any European member nation of the North Atlantic Treaty Organization until the Secretary of Defense certifies to Congress that the

construction program with respect to such systems is eligible for common financing under the NATO Infrastructure program.

(b) EFFECT OF INF TREATY.—If a treaty on Intermediate Range Nuclear Forces (INF) is ratified before the certification under subsection (a) is made, the Secretary shall submit with the certification a plan for revising the installation of those systems in order to reflect any additional requirements resulting from that treaty.

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Reports.

(c) MILESTONES.—The Secretary shall submit with the certification under subsection (a) a description of the key milestones for entering into contracts under the program and for reaching an agreement concerning NATO financing and shall include a certification that all available steps are being taken to accelerate agreement with NATO on a final plan for recoupment of advance funding by the United States for the installation of such systems.

TITLE XI—DEPARTMENT OF DEFENSE MANAGEMENT

PART A—CONSTRUCTION AND MAINTENANCE OF NAVAL VESSELS

SEC. 1101. CLARIFICATION OF LIMITATION ON CONTRACTING FOR SHORT-TERM NAVAL VESSEL REPAIR WORK

Rivers and harbors.

Subsection (d) of section 7299a of title 10, United States Code, is amended to read as follows:

"(d)(1) Before issuing a solicitation for a contract for short-term work for the overhaul, repair, or maintenance of a naval vessel, the Secretary of the Navy shall determine if there is adequate competition available among firms able to perform the work at the homeport of the vessel. If the Secretary determines that there is adequate competition among such firms, the Secretary—

"(A) shall issue such a solicitation only to firms able to perform the work at the homeport of the vessel; and

"(B) may not award such contract to a firm other than a firm that will perform the work at the homeport of the vessel.

"(2) Paragraph (1) applies notwithstanding subsection (b) or any other provision of law.

"(3) Paragraph (1) does not apply—

"(A) in the case of voyage repairs; or

"(B) in the case of a vessel that is assigned to the Naval Reserve force and homeported on the West Coast of the United States.

"(4) In this subsection, the term 'short-term work' means work that will be for a period of six months or less.".

SEC. 1102. RATES FOR PROGRESS PAYMENTS ON CERTAIN NAVAL SHIP REPAIR CONTRACTS

(a) IN GENERAL.—(1) Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 7312.

"§ 7312. Repair or maintenance of naval vessels: progress payments under certain contracts

"(a) The Secretary of the Navy shall provide that the rate for progress payments on naval ship contracts to which this section applies shall be—

Small business.

"(1) 90 percent, in the case of firms considered to be small businesses, and

"(2) 85 percent, in the case of all other firms.

"(b) This section applies to any contract awarded by the Secretary of the Navy for repair, maintenance, or overhaul of a naval vessel (other than a nuclear-powered vessel) for work required to be performed in one year or less.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7312. Repair or maintenance of naval vessels: progress payments under certain contracts.". 101 STAT. 1146

(b) TRANSITION.—The amendment made by subsection (a) does not apply to a contract awarded pursuant to a solicitation issued before the date of the enactment of this Act.

Contracts. 10 USC 7312 note.

SEC. 1103. DOMESTIC CONSTRUCTION OF CERTAIN VESSELS

Section 7309(a) of title 10, United States Code, is amended by striking out "no naval vessel, and no vessel of any other military department," and inserting in lieu thereof "no vessel to be constructed for any of the armed forces".

SEC. 1104. CONTRACTS FOR THE OVERHAUL, REPAIR, AND MAINTENANCE OF NAVAL VESSELS

Funds appropriated pursuant to authorizations in this Act may not be obligated or expended for the overhaul, repair, or maintenance of any naval vessel unless, in the evaluation of bids or proposals for such activity, the Secretary of the Navy complies with the requirement of section 7299a of title 10, United States Code.

PART B—CONTRACTING OUT

SEC. 1111. AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES

10 USC 2304 note. Regulations.

(a) AUTHORITY.—The Secretary of Defense shall direct that the commander of each military installation (under regulations prescribed by the Secretary of Defense and subject to the authority, direction, and control of the Secretary) shall have the authority and the responsibility to carry out the following:

(1) Prepare an inventory each fiscal year of commercial activities carried out by Government personnel on the military installation.

(2) Decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

(3) Conduct a solicitation for contracts for those commercial activities selected for conversion to contractor performance under the Circular A-76 process.

(4) To the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of a contract entered into with a contractor for performance of a commercial activity on the military installation.

(b) DEADLINE FOR REGULATIONS.—The Secretary shall prescribe the regulations required by subsection (a) no later than 60 days after the date of the enactment of this Act.

(c) DEFINITION.—In this section, the term "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam.

(d) TERMINATION OF AUTHORITY.—The authority provided for commanders of military installations by subsection (a) shall terminate on October 1, 1989.

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SEC. 1112. PROHIBITION ON CONTRACTS FOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS

(a) IN GENERAL.—Subsection (a) of section 2693 of title 10, United States Code, is amended by inserting "or security-guard" after "firefighting".

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (b) of such section is amended by striking out "the function" and inserting in lieu thereof "a function".

(2) The heading for such section is amended to read as follows:

"§ 2693. Prohibition on contracts for performance of firefighting or security-guard functions".

(3) The item relating to section 2693 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2693. Prohibition on contracts for performance of firefighting or security-guard functions.".

PART C—SECURITY AND COUNTERINTELLIGENCE MATTERS

10 USC 113 note.

SEC. 1121. COUNTERINTELLIGENCE POLYGRAPH PROGRAM

(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may carry out a program for the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be based on Department of Defense Directive 5210.48, dated December 24, 1984.

Classified information.

(b) PERSONS COVERED.—Except as provided in subsection (d), the following persons whose duties involve access to information that has been classified at the level of top secret or designated as being within a special access program under section 4.2(a) of Executive Order 12356 (or a successor Executive order) are subject to this section:

(1) Military and civilian personnel of the Department of Defense.

(2) Personnel of defense contractors.

(c) LIMITATION ON NUMBER OF EXAMINATIONS.—The number of counterintelligence polygraph examinations that may be administered under this section—

(1) may not exceed 10,000 during each of fiscal years 1988, 1989, and 1990; and

(2) may not exceed 5,000 during any fiscal year after fiscal year 1990 for which a specific number is not otherwise provided by law.

(d) EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.—This section does not apply—

(1) to a person assigned or detailed to the Central Intelligence Agency or to an expert or consultant under a contract with the Central Intelligence Agency;

(2) to (A) a person employed by or assigned or detailed to the National Security Agency, (B) an expert or consultant under contract to the National Security Agency, (C) an employee of a contractor of the National Security Agency, or (D) a person applying for a position in the National Security Agency;

(3) to a person assigned to a space where sensitive cryptographic information is produced, processed, or stored; or

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(4) to a person employed by, or assigned or detailed to, an office within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs or a contractor of such an office.

(e) POLYGRAPH RESEARCH PROGRAM.—The Secretary of Defense shall carry out a continuing research program to support the polygraph activities of the Department of Defense. The program shall include—

(1) an on-going evaluation of the validity of polygraph techniques used by the Department;

(2) research on polygraph countermeasures and anti-countermeasures; and

(3) developmental research on polygraph techniques, instrumentation, and analytic methods.

(f) ANNUAL REPORT ON POLYGRAPH PROGRAMS.—(1) Not later than January 15 of each year, the Secretary of Defense shall submit to Congress a report on polygraph examinations administered by or for the Department of Defense during the previous fiscal year (whether administered under this section or any other authority).

(2) Each such report shall include the following with regard to the program authorized by subsection (a):

(A) A statement of the number of polygraph examinations administered by or for the Department of Defense during such fiscal year.

(B) A description of the purposes and results of such examinations.

(C) A description of the criteria used for selecting programs and persons for such examination.

(D) A statement of the number of persons who refused to submit to such an examination and a description of the actions taken as a result of the refusals.

(E) A statement of the number of persons for which such an examination indicated deception and the action taken as a result of the examinations.

(F) A detailed accounting of those cases in which more than two such examinations were needed to attempt to resolve discrepancies and those cases in which the examination of a person extended over more than one day.

(3) Each such report shall also include the following:

(A) A description of any plans to expand the use of polygraph examinations in the Department of Defense.

(B) A discussion of any plans of the Secretary for recruiting and training additional polygraph operators together with statistical data on the employment turnover of Department of Defense polygraph operators.

(C) A description of the results during the preceding fiscal year of the research program under subsection (e).

(D) A statement of the number of polygraph examinations administered to persons described in subsection (d) (which number may be set forth in a classified annex to the report).

(g) REPEAL.—Section 1221 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 726), is repealed. 10 USC 133 note.

(h) EFFECTIVE DATE.—This section shall take effect as of October 1, 1987.

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SEC. 1122. ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY FROM MOUNT ALTO EMBASSY SITE

District of Columbia.

(a) REVIEW AND ASSESSMENT.—The Secretary of Defense shall review and assess the present and potential capabilities of the Government of the Soviet Union to intercept United States communications involving diplomatic, military, and intelligence matters from facilities on Mount Alto in the District of Columbia. The Secretary shall submit to Congress a report on such review and assessment not later than 90 days after the date of the enactment of this Act.

Communications and telecommunications.

Reports.

(b) DETERMINATION OF CONSISTENCY WITH NATIONAL SECURITY.—The report required by subsection (a) shall include a determination by the Secretary of Defense as to whether or not the present and proposed occupation of facilities on Mount Alto by the Government of the Soviet Union is consistent with the national security of the United States.

(c) CLASSIFICATION OF REPORT.—The report required by subsection (a) shall be submitted in both a classified and unclassified form, except that the determination required by subsection (b) shall be submitted in an unclassified form.

(d) LIMITATION ON DELEGATION.—The Secretary of Defense may not delegate the duty to make the determination required by subsection (b).

SEC. 1123. DISSEMINATION OF UNCLASSIFIED INFORMATION CONCERNING PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

10 USC 128.

"§ 128. Physical protection of special nuclear material: limitation on dissemination of unclassified information

Regulations.

"(a)(1) In addition to any other authority or requirement regarding protection from dissemination of information, and subject to section 552(b)(3) of title 5, the Secretary of Defense, with respect to special nuclear materials, shall prescribe such regulations, after notice and opportunity for public comment thereon, or issue such orders as may be necessary to prohibit the unauthorized dissemination of unclassified information pertaining to security measures, including security plans, procedures, and equipment for the physical protection of special nuclear material.

Regulations. Safety.

"(2) The Secretary may prescribe regulations or issue orders under paragraph (1) to prohibit the dissemination of any information described in such paragraph only if and to the extent that the Secretary determines that the unauthorized dissemination of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of—

"(A) illegal production of nuclear weapons, or

"(B) theft, diversion, or sabotage of special nuclear materials, equipment, or facilities.

"(3) In making a determination under paragraph (2), the Secretary may consider what the likelihood of an illegal production, theft, diversion, or sabotage referred to in such paragraph would be if the information proposed to be prohibited from dissemination under this section were at no time available for dissemination.

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"(4) The Secretary shall exercise his authority under this subsection to prohibit the dissemination of any information described in paragraph (1)—

"(A) so as to apply the minimum restrictions needed to protect the health and safety of the public or the common defense and security; and

"(B) upon a determination that the unauthorized dissemination of such information could reasonably be expected to result in a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of—

"(i) illegal production of nuclear weapons, or

"(ii) theft, diversion, or sabotage of nuclear materials, equipment, or facilities.

"(b) Nothing in this section shall be construed to authorize the Secretary to withhold, or to authorize the withholding of, information from the appropriate committees of the Congress.

"(c) Any determination by the Secretary concerning the applicability of this section shall be subject to judicial review pursuant to section 552(a)(4)(B) of title 5.

Reports.

"(d) The Secretary shall prepare on a quarterly basis a report to be made available upon the request of any interested person, detailing the Secretary's application during that period of each regulation or order prescribed or issued under this section. In particular, such report shall—

"(1) identify any information protected from disclosure pursuant to such regulation or order;

"(2) specifically state the Secretary's justification for determining that unauthorized dissemination of the information pro-

tected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons or the theft, diversion, or sabotage of special nuclear materials, equipment, or facilities, as specified under subsection (a); and

"(3) provide justification that the Secretary has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"128. Physical protection of special nuclear material: limitation on dissemination of unclassified information.".

PART D—SPECIAL ACCESS PROGRAMS

SEC. 1131. SENSE OF CONGRESS WITH RESPECT TO DISCLOSURE OF CERTAIN BUDGET AND SCHEDULE INFORMATION ABOUT SPECIFIED SPECIAL ACCESS PROGRAMS

It is the sense of Congress that—

(1) the Advanced Technology Bomber program, the Advanced Cruise Missile program, and the Advanced Tactical Aircraft program involve the development and production of new advanced technologies that are critical to United States national security; Research and development.

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(2) it is appropriate and necessary that certain information involving the technological characteristics and performance of the systems referred to in paragraph (1) remain appropriately classified in conjunction with the national security interest; and Classified information.

(3) it would be consistent with the public interest and would not jeopardize the national security for the Secretary of Defense to disclose, in a nonclassified form, information about each of the systems referred to in paragraph (1) with respect to total program cost, the amount of the annual program budget request, and a general description of program schedule. Public information.

SEC. 1132. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS

Reports.

(a) SUBMISSION OF CERTAIN BUDGET INFORMATION TO CONGRESS.—(1) Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 119. Special access programs: congressional oversight

10 USC 119.

"(a)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report on special access programs.

"(2) Each such report shall set forth—

"(A) the total amount requested for special access programs of the Department of Defense in the President's budget for the next fiscal year submitted under section 1105 of title 31; and

"(B) for each program in that budget that is a special access program—

"(i) a brief description of the program;

"(ii) a brief discussion of the major milestones established for the program;

"(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

"(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(3) In the case of a report under paragraph (1) submitted in a year during which the President's budget for the next fiscal year, because of multiyear budgeting for the Department of Defense, does not include a full budget request for the Department of Defense, the report required by paragraph (1) shall set forth—

"(A) the total amount already appropriated for the next fiscal year for special access programs of the Department of Defense and any additional amount requested in that budget for such programs for such fiscal year; and

"(B) for each program of the Department of Defense that is a special access program, the information specified in paragraph (2)(B).

"(b)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report that, with respect to each new special access program, provides—

"(A) notice of the designation of the program as a special access program; and

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"(B) justification for such designation.

"(2) A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) Whenever a change is made in the status of a program of the Department of Defense as a special access program, the Secretary of Defense shall submit to the defense committees a report describing the change. Any such report shall be submitted not later than 30 days after the date on which the change takes effect.

"(d) Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

"(e)(1) The Secretary of Defense may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

"(2) If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the defense committees.

"(f) In this section, the term 'defense committees' means—

"(1) the Committees on Armed Services of the Senate and House of Representatives; and

"(2) the Defense Subcommittees of the Committees on Appropriations of the Senate and House of Representatives.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"119. Special access programs: congressional oversight.".

10 USC 119 note.

(b) FIVE-YEAR REFERENCE AMOUNTS.—The first report under subsection (a) of section 119 of title 10, United States Code (as added by subsection (a)), shall set forth—

(1) the total amount requested in the President's budget for each of the five previous fiscal years for special access programs

of the Department of Defense that were included in the budget; and

(2) the total amount appropriated for each such year for such programs.

(c) INITIAL REPORT ON SPECIAL ACCESS PROGRAM DESIGNATIONS.—The first report under subsection (b) of section 119 of title 10, United States Code (as added by subsection (a)), shall cover each existing special access program. 10 USC 119 note.

SEC. 1133. REPORTS ON CRITERIA FOR DESIGNATING SPECIAL ACCESS PROGRAMS

(a) DOD REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the defense committees a report on the management of special access programs, including the policy and criteria used for designating a program of the Department of Defense as a special access program.

(b) GAO REPORT.—The Comptroller General of the United States shall study the criteria used by the Secretary of Defense in determining whether to designate a program as a special access program, as set forth in the report under subsection (a), and shall submit to the defense committees a report on the results of that study not later than April 1, 1988.

(c) DEFINITION.—In this section, the term "defense committees" has the meaning given that term in section 119(f) of title 10, United States Code (as added by section 1132(a)).

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1201. TRANSFER AUTHORITY

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in title I, II, or III for any fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON OBLIGATION LIMITATIONS.—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided on the account (or other amount) to which the transfer is made.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1202. LIMITATION ON AVAILABILITY OF FUNDS

Section 2202 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) Except as otherwise provided by law, the availability for obligation of funds appropriated for any program, project, or activity of the Department of Defense expires at the end of the three-year period beginning on the date that such funds initially become

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available for obligation unless before the end of such period the Secretary of Defense enters into a contract for such program, project, or activity.".

SEC. 1203. REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE

Section 114 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) The amounts of the estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress by the President under such section for any fiscal year or years and the amounts specified in all program and budget information submitted to Congress by the Department of Defense in support of such estimates and proposed appropriations shall be mutually consistent unless, in the case of each inconsistency, there is included detailed reasons for the inconsistency.

"(g) The Secretary of Defense shall submit to Congress not later than April 1 of each year, the five-year defense program (including associated annexes) used by the Secretary in formulating the estimated expenditures and proposed appropriations included in such budget to support programs, projects, and activities of the Department of Defense.".

PART B—FORCE STRUCTURE AND POLICY

SEC. 1211. IMPLEMENTATION OF SPECIAL OPERATIONS FORCES REORGANIZATION

(a) ASSISTANT SECRETARY OF DEFENSE.—(1) Section 136(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Assistant Secretary is the principal civilian adviser to the Secretary of Defense on special operations and low intensity conflict matters and (after the Secretary and Deputy Secretary) is the principal special operations and low intensity conflict official within the senior management of the Department of Defense.".

10 USC 136 note.

(2) The Secretary of Defense shall publish a directive setting forth the charter of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict not later than 30 days after the date of the enactment of this Act. The directive shall set forth—

(A) the duties and responsibilities of the Assistant Secretary;

(B) the relationships between the Assistant Secretary and other Department of Defense officials;

(C) any delegation of authority from the Secretary of Defense to the Assistant Secretary; and

(D) such other matters as the Secretary considers appropriate.

(3) On the date that such directive is published, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the directive; and

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(B) a report explaining how the charter of the Assistant Secretary fulfills the provisions of section 136(b)(4) of title 10, United States Code (as amended by paragraph (1)), that provide

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that the Assistant Secretary—

(i) exercises overall supervision of special operations activities and low intensity conflict activities of the Department of Defense;

(ii) is the principal civilian adviser to the Secretary of Defense on special operations and low intensity conflict matters; and

(iii) is the principal special operations and low intensity conflict official (after the Secretary and Deputy Secretary) within the senior management of the Department of Defense.

(4)(A) Until the office of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is filled for the first time by a person appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of the Army shall carry out the duties and responsibilities of that office.

(B) Throughout the period of time during which the Secretary of the Army is carrying out the duties and responsibilities of that office, he shall submit to the Committees on Armed Services of the Senate and House of Representatives a monthly report on the administrative actions that he has taken and the policy guidance that he has issued to carry out such duties and responsibilities. Each such report shall also describe the actions that he intends to take and the guidance that he intends to issue to fulfill the provisions of section 136(b)(4) of title 10, United States Code (as amended by paragraph (1)), along with a timetable for completion of such actions and issuance of such guidance. The first such report shall be submitted not later than 30 days after the date of the enactment of this Act. Reports.

(5) Until the first individual appointed to the position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict by the President, by and with the advice and consent of the Senate, leaves that office, that Assistant Secretary (and the Secretary of the Army when carrying out the duties and responsibilities of the Assistant Secretary) shall, with respect to the duties and responsibilities of that office, report directly, without intervening review or approval, to the Secretary of Defense personally or, as designated by the Secretary, to the Deputy Secretary of Defense personally.

(b) RESOURCES FOR CINCSOF.—The Secretary of Defense shall provide sufficient resources for the commander of the unified combatant command for special operations forces established pursuant to section 167 of title 10, United States Code, to carry out his duties and responsibilities, including particularly his duties and responsibilities relating to the following functions: 10 USC 167 note.

(1) Developing and acquiring special operations-peculiar equipment and acquiring special operations-peculiar material, supplies, and services.

(2) Providing advice and assistance to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in the Assistant Secretary's overall supervision of the preparation and justification of the program recommendations and budget proposals for special operations forces.

(3) Managing assigned resources from the major force program category for special operations forces of the Five-Year Defense Plan of the Department of Defense (as required to be created pursuant to subsection (e)).

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(c) PERSONNEL ASSIGNED TO COMBATANT COMMAND STAFF.—(1) On September 30, 1988, the total number of members of the Armed Forces and civilian employees of the Department of Defense assigned or detailed to permanent duty on the staff of the unified combatant command for special operations forces may not be less than 450.

(2) Of the personnel assigned or detailed pursuant to paragraph (1), the number of civilian employees shall be 111 unless otherwise directed by the commander of the command or the Secretary of Defense.

(d) ACQUISITION AUTHORITY.—Subsection (e) of section 167 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the commander of the command, in carrying out his functions under paragraph (1)(G), shall have authority to exercise the functions of the head of an agency under chapter 137 of this title. The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and

contracting actions through the special operations command and such other inspector general functions as may be assigned.".

10 USC 167 note.

(e) RESOURCES AND PROGRAMMING.—(1) The major force program category for special operations forces of the Five-Year Defense Plan of the Department of Defense, to be created pursuant to section 1311(c) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), shall be created not later than 30 days after the date of the enactment of this Act.

(2) On the date that such major force program category is created, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a certification that all program recommendations and budget proposals for special operations forces are included in such category; and

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(B) a report explaining the program recommendations and budget proposals that have been included in such category.

Reports.

SEC. 1212. CONVENTIONAL DEFENSE ADVISORY BOARD

(a) CONVENTIONAL DEFENSE ADVISORY BOARD.—(1) The Secretary of Defense shall appoint within the Department of Defense a Conventional Defense Advisory Board for the purpose of reviewing the report of the Conventional Defense Study Group submitted to the Secretary under subsection (b). The advisory board shall submit to the Secretary of Defense a report on such review, including any recommendations for the implementation of the report of the study group, not later than 75 days after the date on which that report is received by the Secretary.

(2) Not later than 90 days after the date on which the report of the study group is received by the Secretary, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a copy of the report of the advisory board under paragraph (1), together with any comments the Secretary has on such report. The report of the advisory board shall be submitted to the committees in exactly the same form and with the same content as submitted to the Secretary under paragraph (1).

(b) CONVENTIONAL DEFENSE STUDY GROUP.—The Comptroller General of the United States shall convene and chair a Conventional

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Defense Study Group composed of representatives of the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office. The study group shall assess the balance of conventional forces in Europe between forces of the North Atlantic Treaty Organization and forces of the Warsaw Pact and shall submit a report on such assessment to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted not later than April 15, 1988, and shall provide—

(1) the study group's assessment of that balance of forces; and

(2) recommendations for improving that balance so as to provide for a more adequate conventional defense for NATO.

SEC. 1213. REPORT ON COMPETITIVE STRATEGIES

(a) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on Competitive Strategies. Such report shall be provided in classified and unclassified versions and shall include the following:

(1) A discussion of the Competitive Strategy concept.

Union of Soviet Socialist Republics.

(2) An assessment of Soviet and Warsaw Pact weaknesses, including military, political, and systemic weaknesses that could be candidates for exploitation through competitive strategies.

(3) A discussion of the initial areas selected for examination in the Competitive Strategy initiative, including a discussion of the rationale for the areas selected.

(4) A discussion of the initial findings resulting from the Competitive Strategy process.

(b) DEADLINE FOR REPORT.—The report described in subsection (a) shall be submitted not later than January 15, 1988.

SEC. 1214. PUBLICATION OF ANNUAL UNITED STATES-SOVIET NET ASSESSMENT

Section 113 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) The Secretary of Defense shall transmit to Congress each year a report that contains a comprehensive net assessment of the defense capabilities and programs of the armed forces of the United States and its allies as compared with those of their potential adversaries. Each such report shall be transmitted in both a classified and an unclassified form.".

PART C—MISCELLANEOUS REPORTS

SEC. 1221. STUDY OF SPACE OPERATIONS CENTER, COLORADO

(a) IN GENERAL.—The Secretary of Defense shall carry out a study of the requirements necessary to establish and conduct a centralized manned and unmanned military space operation which would be part of the Consolidated Space Operations Center near Colorado Springs, Colorado. Reports.

(b) REPORT.—Within 60 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Armed Services of the Senate and House of Representatives a report containing the findings and conclusions of the study carried out under subsection (a).

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SEC. 1222. REPORT ON CONTINGENCY PLANS TO DEAL WITH DISRUPTIONS IN PERSIAN GULF CRUDE OIL SUPPLY Energy.

(a) REPORT REQUIREMENT.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to Congress a joint report on contingency plans of the Department of Defense and the Department of Energy for dealing with significant disruptions in the supply to the United States of crude oil produced by the nations of the Persian Gulf region. The report shall be prepared with the assistance of the Secretary of State.

(2) If the Secretary of Defense and the Secretary of Energy find it necessary to classify the report (or any portion of the report), a nonclassified version containing all energy policy recommendations made by the two Secretaries shall be transmitted with the report.

(b) MATTERS TO BE STUDIED.—In preparing the report required by this section, and any periodic update to that report, the Secretaries shall—

(1) ascertain the extent to which the Armed Forces of the United States, the civilian economy of the United States, and the nations of the free world (with specific reference to the NATO allies and to other strategic allies of the United States) currently depend on crude oil produced in the Persian Gulf region;

(2) prepare a range of estimates on the types of disruptions that could occur in the supply of crude oil from the Persian Gulf region and the effect of each such disruption (including duration) on reduced availability of crude oil supply from the oil producing nations of the Persian Gulf;

(3) develop a range of plans for dealing with supply disruptions and shortages of crude oil from the Persian Gulf region, including—

(A) the role and use of existing domestic crude oil production, other non-Persian Gulf sources of the world supply of crude oil, and the Strategic Petroleum Reserve; and

(B) the use of any emergency power or authority provided for by existing law; and

International agreements.

(4) identify and review any bilateral or multilateral agreement (including the International Energy Agreement) which commits or obligates the United States to furnish crude oil or petroleum products to other nations.

(c) RECOMMENDATIONS.—The report under subsection (a) shall set forth the policy and legislative recommendations of the Secretaries for improving the ability of the United States to respond effectively to problems created by significant disruptions in the production, transportation, and supply of crude oil in the Persian Gulf region.

(d) COST ESTIMATES.—The report under subsection (a) shall include estimates of the total annual and per barrel cost of Persian Gulf crude oil to the world economy and to the United States economy.

U.S.S. *George Washington.*

SEC. 1223. STUDY OF EARLY DECOMMISSIONING OF TWO AIRCRAFT CARRIERS

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a comprehensive study comparing—

U.S.S. *Abraham Lincoln.*

(1) the current plan of the Department of Defense under which one existing aircraft carrier would be decommissioned when the U.S.S. George Washington (CVN73) is commissioned in fiscal year 1992 and a second existing aircraft carrier would be decommissioned when the next aircraft carrier (CVN74) is commissioned in fiscal year 1997, with

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(2) an alternative plan under which one existing aircraft carrier would be decommissioned and one existing Navy air wing would be deactivated when the aircraft carrier U.S.S. Abraham Lincoln (CVN72) is commissioned in fiscal year 1990 and a second existing aircraft carrier would be decommissioned when the aircraft carrier U.S.S. George Washington (CVN73) is commissioned in fiscal year 1992.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plan described in subsection (a)(2) for aircraft carrier retirements, as compared to the implications of the current plan described in subsection (a)(1), with respect to each of the following:

(1) Total direct and indirect costs in outlays and in budget authority (stated in constant fiscal year 1988 dollars) through fiscal year 1997.

(2) Requirements of the Navy for naval aircraft through fiscal year 1997 (assuming that the aircraft from the deactivated naval air wing are reassigned in the active force).

(3) Requirements of the Navy for active-duty and Reserve personnel (stated in terms of fiscal year end strengths) through fiscal year 1997.

(4) Requirements for naval surface ship combatants and support ships through fiscal year 1997.

(5) The cost and feasibility of making available to the active fleet for operation during a time of national emergency—

(A) an aircraft carrier that is in the Service Life Extension Program (SLEP); and

(B) an aircraft carrier that has been decommissioned but is still under the jurisdiction of the Navy.

(c) PEACETIME DEPLOYMENT COMMITMENTS.—(1) The Secretary of Defense shall direct the Chairman of the Joint Chiefs of Staff to assess the implications that accelerated aircraft carrier retirements in accordance with the alternative plan described in subsection (a)(2) would have on the ability of the United States to meet both peacetime aircraft carrier deployment commitments and the wartime requirements for aircraft carriers set forth by the commanders of the unified combatant commands and to report to the Secretary the results of that assessment.

Reports.

(2) Insofar as the report required by paragraph (1) notes a deficiency between peacetime aircraft carrier deployment requirements and the number of deployable aircraft carriers, the report shall also include an assessment regarding—

(A) how aircraft carrier deployment strategies could be adjusted or changed to cover commitments while maintaining

an equitable distant deployment rotation for personnel and equipment considerations;

(B) what alternative combinations of ships and aircraft might be deployed to substitute for an aircraft carrier, either permanently or temporarily, in all situations in which aircraft carriers are currently deployed; and

(C) what special considerations will accompany the eventual removal of the U.S.S. Midway from her homeport in Japan. U.S.S. *Midway*. Japan.

(d) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study conducted by the Secretary under subsection (a) and a copy of the report submitted to the Secretary under subsection (c). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than 30 days after the date of the enactment of this Act. 101 STAT. 1160

PART D—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1231. AMENDMENTS TO TITLE 10, UNITED STATES CODE

Title 10, United States Code, is amended as follows:

(1) Section 101(14) is amended by inserting "a" after "means".

(2) Section 179 is amended by realigning subsection (e) so as to appear flush to the left margin.

(3) The table of sections at the beginning of chapter 21 is amended by striking out the item relating to section 423 and inserting in lieu thereof the following:

"423. Authority to use proceeds from counterintelligence operations of the military departments.".

(4) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 686 from the end of such table to appear immediately below the item relating to section 685.

(5) Section 1102(c)(2) is amended by striking out ", United States Code" in the second sentence.

(6) Section 2321 is amended—

(A) in subsection (d)(4)(A), by striking out "paragraph" and inserting in lieu thereof "subsection"; and

(B) in subsection (i), by inserting "or subcontractor" after "contractor".

(7) Section 2322(b) is amended by inserting a period at the end.

(8) Section 2327(d) is amended by inserting "(1)" after "APPLICABILITY.—".

(9) The heading of section 2342 is amended by inserting a hyphen between the first and second words.

(10)(A) Section 2364 is amended by striking out "milestone O, I, and II decisions" in subsection (b)(5) and inserting in lieu thereof "milestone O, milestone I, and milestone II decisions".

(B) The heading of such section is amended by revising the fifth word so that the first letter is lower case.

(C) The item relating to that section in the table of sections at the beginning of chapter 139 is amended to conform to the amendment made by subparagraph (B).

(11) Section 2366(e)(1)(B) is amended by striking out "section 2303(5)" and inserting in lieu thereof "section 2302(5)".

(12) The item relating to section 2367 in the table of sections at the beginning of chapter 139 is amended so that the initial letter of the third word is lower case.

(13) Section 2406(f)(2)(A) is amended by inserting "section" after "is defined in".

(14) Section 2436(c)(5) is amended by inserting "law," after "auditing,".

(15) Section 2801(c)(3) is amended by striking out "defense agencies" and inserting in lieu thereof "Defense Agencies".

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(16) Section 3723 is amended by striking out the comma after "disease".

(17) Sections 801, 1447, 2005(e), 2101, 2147(d), 2393(c), 2687(e), and 9511 are amended—

(A) by inserting "The term" in each paragraph (other than paragraph (2) of section 801) after the paragraph designation; and

(B) by revising the first word after the first quotation marks in each paragraph (other than paragraph (2) of section 801, paragraph (1) of section 1447, and paragraphs (7) and (11) of section 9511) so that the initial letter of such word is lower case.

(18)(A) Sections 1089(g), 2002(b), 2141(c), 2143(c), and 2145(b) are amended by inserting "the term" after "In this section,".

(B) Section 2356(b) is amended by inserting ", the term" after "In this section".

(19)(A) Sections 3251 and 8251 are amended by inserting ", the term" after "In this chapter".

(B) Sections 4801, 8368(a), and 9801 are amended by inserting "the term" after "In this chapter,".

(20) Section 101(20) is amended by striking out " 'Rate" at the beginning of the second sentence and inserting in lieu thereof "The term 'rate".

(21) Section 1401a(a) is amended by striking out "pay" after "retired pay".

SEC. 1232. AMENDMENTS TO TITLE 37, UNITED STATES CODE

Section 303(2) of title 37, United States Code, is amended—

(1) by striking out the comma at the end of subparagraph (A) and inserting in lieu thereof a semicolon; and

(2) by striking out ", or" at the end of subparagraph (B) and inserting in lieu thereof "; or".

SEC. 1233. MISCELLANEOUS AMENDMENTS

(a) AMENDMENTS TO PUBLIC LAW 100-26.—Public Law 100-26 is amended—

Ante, p. 273.
10 USC 2432.

(1) in section 7(b)(3)(A), by inserting "in subsection (a)," before "by";

10 USC 101.

(2) in section 7(k)(1)(C), by inserting "(2)" after "paragraphs (1),"; and

37 USC 406.

(3) in section 8(d)(7), by striking out "Section 406" and inserting in lieu thereof "Section 406b".

10 USC 2413.

(b) CORRECTION OF AMBIGUOUS REFERENCE.—Section 956(b)(1) of the Defense Acquisition Improvement Act of 1986 (as contained in title IX of Public Law 99-661 and in title X of section 101(c) of Public Laws 99-500 and 99-591) is amended by inserting "the first place it appears" before the semicolon.

100 Stat. 3954, 1783-174, 3341-174.
10 USC 101 note.
10 USC 2413 note.

(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply as if included in the enactment of the Defense Technical Corrections Act of 1987 (Public Law 100-26).

(2) The amendment made by subsection (b) shall apply as if included in the enactment of Public Laws 99-500, 99-591, and 99-661.

100 Stat. 1783, 3341, 3816.

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PART E—MISCELLANEOUS MATTERS

21 USC 801 note.

SEC. 1241. GAO STUDY OF THE CAPABILITIES OF THE UNITED STATES TO CONTROL DRUG SMUGGLING INTO THE UNITED STATES

(a) STUDY REQUIREMENT.—The Comptroller General of the United States shall conduct a comprehensive study regarding smuggling of illegal drugs into the United States and the current capabilities of the United States to deter such smuggling. In carrying out such study, the Comptroller General shall—

(1) assess the national security implications of the smuggling of illegal drugs into the United States;

(2) assess the magnitude, nature, and operational impact that current resource limitations have on the drug smuggling interdiction efforts of Federal law enforcement agencies and the capability of the Department of Defense to respond to requests for assistance from those law enforcement agencies;

(3) assess the effect on military readiness, the costs that would be incurred, the operational effects on military and civilian agencies, the potential for improving drug interdiction operations, and the methods for implementing increased drug law enforcement assistance by the Department of Defense under section 825 of H.R. 1748 as passed the House of Representatives on May 20, 1987, as if such section were enacted into law and were to become effective on January 1, 1988;

(4) assess results of a cooperative drug enforcement operation between the United States Customs Service and National Guard units from the States of Arizona, Utah, Missouri, and Wisconsin conducted along the United States-Mexico border beginning on August 29, 1987, and include in the assessment information relating to the cost of conducting the operation, the personnel and equipment used in such operation, the command and control relationships in such operation, and the legal issues involved in such operation; National Guard. Arizona. Utah. Missouri. Wisconsin.

(5) determine whether giving the Armed Forces a more direct, active role in drug interdiction activities would enhance the morale and readiness of the Armed Forces;

(6) determine what assets are currently available to and under consideration for the Department of Defense, the Department of Transportation, the Department of Justice, and the Department of the Treasury for the detection of airborne drug smugglers;

(7) assess the current plan of the Customs Service for the coordinated use of such assets;

(8) determine the cost effectiveness and the capability of the Customs Service to use effectively the information generated by the systems employed by or planned for the Department of Defense, the Coast Guard, and the Customs Service, respectively, to detect airborne drug smugglers;

(9) determine the availability of current and anticipated tracking, pursuit, and apprehension resources to use the capabilities of such systems; and

(10) at a minimum, assess the detection capabilities of the Over-the-Horizon Backscatter radar (OTH-B), ROTHR, aerostats, airships, and the E-3A, E-2C, P-3, and P-3 Airborne Early Warning aircraft (including any variant of the P-3 Airborne Early Warning aircraft).

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(b) REPORTS.—(1) Not later than April 30, 1988, the Comptroller General shall, as provided in paragraph (3), submit a report on the results of the study required by subsection (a) with respect to the elements of the study specified in paragraphs (1) through (5) of that subsection.

(2) As soon as practicable after the report under paragraph (1) is submitted, and not later than March 31, 1989, the Comptroller General shall, as provided in paragraph (3), submit a report on the results of the study required by subsection (a) with respect to the elements of the study specified in paragraphs (6) through (10) of that subsection.

(3) The reports under paragraphs (1) and (2) shall be submitted to—

(A) the Committees on Armed Services, the Judiciary, Foreign Relations, and Appropriations of the Senate;

(B) the Committees on Armed Services, the Judiciary, Foreign Affairs, and Appropriations of the House of Representatives;

(C) the members of the Senate Caucus on International Narcotics Control; and

(D) the Select Committee on Narcotics Abuse and Control of the House of Representatives.

(4) The reports under this subsection shall be submitted in both classified and unclassified forms and shall include such comments and recommendations as the Comptroller General considers appropriate.

SEC. 1242. TRANSFER OF FUNDS TO THE COAST GUARD

Of the amounts appropriated to the Department of Defense for fiscal years 1988 and 1989, the Secretary of Defense shall transfer to the Secretary of Transportation funds to assist in providing for the Law Enforcement Detachment program of the Coast Guard as follows:

(1) $3,000,000 from amounts appropriated for fiscal year 1988.

(2) $6,000,000 from amounts appropriated for fiscal year 1989.

SEC. 1243. ANNUAL PLAN ON DEPARTMENT OF DEFENSE ASSISTANCE FOR CIVILIAN DRUG LAW ENFORCEMENT

(a) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 380.

"§ 380. Department of Defense drug law enforcement assistance: annual plan

Reports.

"(a)(1) At the same time as the President submits the budget to Congress each year under section 1105(a) of title 31, the Secretary of Defense shall submit to Congress a report containing the following:

"(A) A detailed list of all forms of assistance under this chapter that is proposed to be made available by the Department of Defense to civilian drug law enforcement and drug interdiction agencies (including the United States Customs Service, the Coast Guard, the Drug Enforcement Administration, and the Immigration and Naturalization Service) during the fiscal year for which the budget is submitted.

"(B) A detailed plan for lending equipment and rendering other drug interdiction-related assistance included on such list during such fiscal year.

"(2) The list required by paragraph (1)(A) shall include a description of the following:

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"(A) Surveillance equipment suitable for detecting drug smuggling activities by air, by land, and by sea.

Communications and telecommunications.

"(B) Communications equipment, including secure communications.

"(C) Support available from the reserve components for drug interdiction operations of civilian drug law enforcement agencies.

"(D) Intelligence on the production, processing, and shipment of drugs in countries that are the source of illegal drugs in the United States and the transshipment of drugs between those countries and the United States.

"(E) Support from the Southern Command and other unified and specified commands that is available to assist in drug interdiction.

Aircraft and aircraft carriers.

"(F) Aircraft suitable for use in air-to-air detection, interception, tracking, and seizure by civilian drug interdiction agencies.

Maritime affairs.

"(G) Vessels suitable for use in maritime detection, interception, tracking, and seizure by civilian drug interdiction agencies.

Motor vehicles.

"(H) Such land vehicles as may be appropriate for support activities relating to drug interdiction operations by civilian drug law enforcement agencies.

"(b) The Secretary of Defense, not earlier than 30 days and not later than 45 days after the date on which Congress receives a report submitted under subsection (a), shall convene a conference of the heads of all Federal law enforcement agencies having jurisdiction over drug law enforcement (including the Customs Service, the

Coast Guard, and the Drug Enforcement Administration) and of the Secretary of State to determine the appropriate distribution of the assets, items of support, and other assistance to be made available by the Department of Defense under this chapter to those agencies during the fiscal year for which the report is submitted. Not later than 60 days after the date on which such conference convenes, the Secretary of Defense and the heads of such agencies shall enter into appropriate memoranda of agreement specifying the distribution of such assistance.

"(c) The Comptroller General of the United States shall monitor the compliance of the Department of Defense with subsections (a) and (b). Not later than 90 days after the date on which a conference is convened under subsection (b), the Comptroller General shall transmit to Congress a written report containing the Comptroller General's findings regarding the compliance of the Department of Defense with such subsections. The report shall include a review of the memoranda of agreement entered into under subsection (b).". Reports.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"380. Department of Defense drug law enforcement assistance: annual plan.".

SEC. 1244. PROVISION OF COMMAND AND CONTROL DATA FROM TYNDALL AIR FORCE BASE FOR DRUG INTERDICTION ASSISTANCE Florida.

Whenever the Secretary of the Air Force provides assistance to a civilian law enforcement agency for drug interdiction purposes as authorized by chapter 18 of title 10, United States Code, through the provision of command and control data (including voice and digital information) from the Sector Operations Control Center at Tyndall Air Force Base, Florida, to the civilian agency, reimbursement that is otherwise required under that chapter shall not be required to the extent that such data are provided to a facility of the civilian law enforcement agency that is located adjacent to such Sector Operations Control Center. 101 STAT. 1165

SEC. 1245. ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY

(a) STATUTORY ESTABLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.—(1) Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 141. Assistant to the Secretary of Defense for Atomic Energy 10 USC 141.

"(a) There is an Assistant to the Secretary of Defense for Atomic Energy, appointed by the President, by and with the advice and consent of the Senate.

"(b) The Assistant to the Secretary shall advise the Secretary of Defense and the Nuclear Weapons Council on nuclear energy and nuclear weapons matters.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"141. Assistant to the Secretary of Defense for Atomic Energy".

(b) EXCEPTION TO SENATE CONFIRMATION.—The person serving as Chairman of the Military Liaison Committee, Department of Defense, under section 27 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) on October 16, 1986, may be appointed as the Assistant to the Secretary of Defense for Atomic Energy under section 141 of title 10, United States Code (as added by subsection (a)), without the advice and consent of the Senate. 10 USC 141 note.

(c) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5316 of title 5, United States Code, is amended by striking out "Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense" and inserting in lieu thereof "Assistant to the Secretary of Defense for Atomic Energy, Department of Defense".

SEC. 1246. OIL SHIPMENTS FOR USE BY MILITARY FACILITIES OVERSEAS

Section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406) is amended by adding at the end the following:

"(k) OIL EXPORTS FOR USE BY UNITED STATES MILITARY FACILITIES.—For purposes of subsection (d) of this section, and for purposes of any export controls imposed under this Act, shipments of crude oil, refined petroleum products, or partially refined petroleum products from the United States for use by the Department of Defense or United States-supported installations or facilities shall not be considered to be exports.".

Alabama

SEC. 1247. PAYMENT OF CLAIM

(a) PAYMENT OF CLAIM.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $809,609, to the Merchants National Bank of Mobile, Alabama, for compensation for losses sustained during the period beginning on January 1, 1976, and ending on December 31, 1978, concerning the issuance and cancellation of a Government loan guarantee and the subsequent issuance of a second loan guarantee on reduced terms, resulting from actions of the Defense Logistics Agency of the Department of Defense and its fiscal agent, the Federal Reserve Bank of Atlanta.

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(b) FULL SETTLEMENT OF CLAIM.—The payment made pursuant to subsection (a) shall constitute full settlement of the legal and equitable claims by the Merchants National Bank of Mobile, Alabama, against the United States, covered by that subsection.

(c) LIMITATION ON ATTORNEYS' FEES.—No part of the amount appropriated in this section in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

Drugs and drug abuse.
Law enforcement and crime.
10 USC 912.

SEC. 1248. PROCEDURES FOR FORENSIC EXAMINATION OF CERTAIN PHYSIOLOGICAL EVIDENCE

(a) ESTABLISHMENT OF PROCEDURES.—The Secretary of Defense shall establish procedures to ensure that whenever, in connection with a criminal investigation conducted by or for a military department, a physiological specimen is obtained from a person for the purpose of determining whether that person has used a controlled substance—

(1) the specimen is in a condition that is suitable for forensic examination when delivered to a forensic laboratory; and

(2) the investigative agency that submits the specimen to the laboratory receives a written statement of the results of the forensic examination from the laboratory within such period as is necessary to use such results in a court-martial or other criminal proceeding resulting from the investigation.

(b) TRANSPORTATION OF SPECIMENS.—The procedures prescribed under subsection (a)—

(1) shall ensure that physiological specimens are preserved and transported in accordance with valid medical and forensic practices; and

(2) insofar as practicable, shall require transportation of the specimen to an appropriate laboratory by the most expeditious means necessary to carry out the requirement in subsection (a)(1).

(c) TESTS FOR USE OF LSD.—Procedures established under subsection (a) shall ensure that whenever the controlled substance with respect to which a physiological specimen is to be examined is lysergic acid diethylamide (LSD), the specimen is submitted to a forensic laboratory that is capable of determining with a reasonable degree of scientific certainty, on the basis of the examination of that specimen, whether the person providing the specimen has used lysergic acid diethylamide (LSD).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as providing a basis, that is not otherwise available in law, for a defense to a charge or a motion for exclusion of evidence or other appropriate relief in any criminal or administrative proceeding.

(e) CONTROLLED SUBSTANCES COVERED.—For purposes of this section, a controlled substance is a substance described in section 912a(b) of title 10, United States Code.

(f) REPORT.—Not later than March 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, a report describing the procedures established under this section. 101 STAT. 1167

SEC. 1249. ADJUDICATION OF INELIGIBILITY FOR A JOB WITH THE FEDERAL GOVERNMENT ON THE BASIS OF FAILURE TO REGISTER UNDER THE MILITARY SELECTIVE SERVICE ACT

Section 3328(b) of title 5, United States Code, is amended—

(1) by striking out "within the Office" in the second sentence; and

(2) by inserting after the third sentence the following: "Such procedures may provide that determinations of eligibility under the requirements of this section shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined.".

SEC. 1250. TRANSPORTATION ON DEPARTMENT OF DEFENSE AEROMEDICAL EVACUATION AIRCRAFT OF CERTAIN VETERANS' ADMINISTRATION BENEFICIARIES

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2641. Transportation of certain veterans on Department of Defense aeromedical evacuation aircraft 10 USC 2641.

"(a) The Secretary of Defense may provide transportation on an aircraft operating under the aeromedical evacuation system of the Department of Defense for the purpose of transporting a veteran to or from a Veterans' Administration medical facility.

"(b) Transportation under this section shall be provided in accordance with an agreement entered into between the Secretary of Defense and the Administrator of Veterans' Affairs. Such an agreement shall provide that transportation may be furnished to a veteran on an aircraft referred to in subsection (a) only if—

"(1) the Administrator of Veterans' Affairs notifies the Secretary of Defense that the veteran needs or has been furnished medical care or services in a Veterans' Administration facility and the Administrator requests such transportation in connection with the travel of such veteran to or from the Veterans' Administration facility where the care or services are to be furnished or were furnished to such veteran;

"(2) there is space available for the veteran on the aircraft; and

"(3) there is an adequate number of medical and other service attendants to care for all persons being transported on the aircraft.

"(c) A veteran is not eligible for transportation under this section unless the veteran is a primary beneficiary within the meaning of clause (A) of section 5011(g)(5) of title 38.

"(d)(1) A charge may not be imposed on a veteran for transportation provided to the veteran under this section.

"(2) An agreement under subsection (b) shall provide that the Veterans' Administration shall reimburse the Department of Defense for any costs incurred in providing transportation to veterans under this section that would not otherwise have been incurred by the Department of Defense.

"(e) In this section, the term 'veteran' has the meaning given that term in section 101(2) of title 38.".

101 STAT. 1168

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2641. Transportation of certain veterans on Department of Defense aeromedical evacuation aircraft.".

10 USC 2641 note.

(b) IMPLEMENTATION DEADLINE.—The Secretary of Defense and the Administrator of Veterans' Affairs shall enter into an agreement required by section 2641 of title 10, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

TITLE XIII—AMENDMENTS RELATED TO GOLDWATER-NICHOLS REORGANIZATION ACT

PART A—JOINT OFFICER PERSONNEL POLICY

SEC. 1301. NOMINATION AND SELECTION OF OFFICERS FOR THE JOINT SPECIALTY

(a) SELECTION AUTHORITY.—(1) Subsection (b) of section 661 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The authority of the Secretary of Defense under paragraph (2) to select officers for the joint specialty may be delegated only to the Deputy Secretary of Defense.".

(b) EDUCATION AND EXPERIENCE REQUIREMENTS.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by inserting "(as described in section 664 (f)(1) or (f)(3) of this title)" after "joint duty assignment";

(2) in paragraph (2)—

(A) by striking out "An officer who has" and inserting in lieu thereof "(A) An officer (other than a general or flag officer) who has a military occupational specialty that is";

(B) by striking out "joint duty assignment of not less than two years" and inserting in lieu thereof "full tour of duty in a joint duty assignment (as described in section 664(f)(2) of this title)";

(C) by striking out the second sentence; and

(D) by adding at the end the following:

"(B) The Secretary may not for the purposes of this paragraph designate a military occupational specialty as a critical occupational specialty involving combat operations unless that occupational specialty is within the combat arms, in the case of the Army, or the equivalent, in the case of the Navy, Air Force, and Marine Corps. In determining for the purposes of this paragraph what military occupational specialties within the combat arms (or the equivalent) are critical, the Secretary shall designate as critical any military occupational specialty experiencing severe shortages of trained officers."; and

(3) by adding at the end the following new paragraph:

"(3)(A) In the case of an officer who has completed both a program of education referred to in paragraph (1)(A) and a full tour of duty in a joint duty assignment (as described in section 664 (f)(1) or (f)(3) of this title) and is subsequently nominated for the joint specialty, the Secretary of Defense may waive the requirement in paragraph (1)(B) that the tour of duty in a joint duty assignment be performed after

101 STAT. 1169

the officer completes the program of education if the Secretary determines that the waiver is necessary in the interests of sound personnel management.

"(B) In the case of an officer who has completed two full tours of duty in a joint duty assignment (as described in section 664(f) of this title) and is subsequently nominated for the joint specialty, the Secretary may waive the requirement that the officer have successfully completed a program of education referred to in paragraph (1)(A) if the Secretary determines that—

"(i) it would be impractical to require the officer to complete such a program at the current stage of the officer's career; and

"(ii) the types of joint duty assignments completed by the officer have been of sufficient breadth to prepare the officer adequately for the joint specialty.

"(C) A waiver under subparagraph (A) or (B) may be made only under unusual circumstances justifying deviation from the conditions established in paragraph (1) for selection of an officer for the joint specialty.

"(D) The authority of the Secretary of Defense to grant a waiver under this paragraph may be delegated only to the Deputy Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer and in the case of a general or flag officer only under exceptional circumstances in which the waiver is necessary to meet a critical need of the armed forces, as determined by the Chairman of the Joint Chiefs of Staff. The total number of waivers granted under this paragraph during any fiscal year may not exceed 5 percent of the total number of officers selected for the joint specialty during that fiscal year.".

SEC. 1302. JOINT DUTY ASSIGNMENT POSITIONS

(a) MINIMUM ASSIGNMENT REQUIREMENTS.—Paragraph (1) of section 661(d) of title 10, United States Code, is amended—

(1) by striking out "by officers who have" and all that follows and inserting in lieu thereof "by officers who—

"(A) have the joint specialty; or

"(B) have been nominated for the joint specialty and—

"(i) have successfully completed a program of education referred to in subsection (c)(1)(A); or

"(ii) have a military occupational specialty that is designated under subsection (c)(2)(A) as a critical occupational specialty involving combat operations.".

(b) DESIGNATION OF CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—Section 661(d) of such title is further amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Such designation shall be made by examining each joint duty assignment position and designating under the preceding sentence those positions for which, considering the duties and responsibilities of the position, it is highly important that the occupant be particularly trained in, and oriented toward, joint matters. Each position so designated may be held only by an officer who has the joint specialty.

"(3)(A) The Secretary shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions. 101 STAT. 1170

"(B) The Secretary shall ensure that, of those positions designated under paragraph (2) as critical joint duty assignment positions, an appropriate portion are filled by officers with the joint specialty who were selected for the joint specialty under subsection (c)(2).

"(4) Of the officers serving in joint duty assignment positions covered by paragraph (1) who are described in subparagraph (A) or (B) of that paragraph, not more than one-third at any time may be officers described in subparagraph (B)(ii) of that paragraph.".

(c) REVISION OF JDA LIST.—(1) Section 668(b)(2) of such title is amended by inserting "and, of those positions, those that are positions held by general or flag officers and the number of such positions" immediately before the semicolon in subparagraph (A) and immediately before the period in subparagraph (B).

(2) The Secretary of Defense shall publish a revised list under section 668(b)(2) of title 10, United States Code, taking into account the amendments made by this section, not later than six months after the date of the enactment of this Act. 10 USC 668 note.

SEC. 1303. LENGTH OF JOINT DUTY ASSIGNMENTS

(a) REVISION AND CLARIFICATION.—Section 664 of title 10, United States Code, is amended by striking out subsections (b), (c), and (d) and inserting in lieu thereof the following:

"(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in the case of any officer.

"(c) INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.—The Secretary may for purposes of section 661(c)(2) of this title authorize a joint duty assignment of less than the period prescribed by subsection (a), but not less than two years, without the requirement for a waiver under subsection (b) in the case of an officer—

"(1) who has been nominated for the joint specialty before such assignment begins;

"(2) who has a military occupational specialty designated under section 661(c)(2) of this title as a critical occupational specialty; and

"(3) for whom such joint duty assignment is the initial joint duty assignment.

"(d) EXCLUSIONS FROM TOUR LENGTH.—The Secretary of Defense may exclude the following service from the standards prescribed in subsection (a):

"(1) Service in a joint duty assignment in which the full tour of duty in the assignment is not completed by the officer because of—

"(A) retirement;

"(B) release from active duty;

"(C) suspension from duty under section 155(f)(2) or 164(g) of this title; or

"(D) a qualifying reassignment (as described in subsection (g)(4)).

Alaska.
Hawaii.

"(2) Service in a joint duty assignment outside the United States or in Alaska or Hawaii.

"(3) Service in a joint duty assignment in a case in which—

"(A) the officer's tour of duty in that assignment brings the officer's cumulative service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a); and

101 STAT. 1171

"(B) the length of time served in that assignment (in any case other than an assignment which is described in subsection (g)(4)(B)) was not less than two years.

"(e) AVERAGE TOUR LENGTHS.—(1) The Secretary shall ensure that the average length of joint duty assignments during any fiscal year (after fiscal year 1990), measured by the lengths of the joint duty assignments ending during that fiscal year, meets the standards prescribed in subsection (a).

"(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

"(A) Service described in subsection (c), except that not more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.

"(B) Service described in subsection (d).

"(f) FULL TOUR OF DUTY.—An officer shall be considered to have completed a full tour of duty in a joint duty assignment upon completion of—

"(1) a joint duty assignment that meets the standards prescribed in subsection (a);

"(2) a joint duty assignment under the circumstances described in subsection (c); or

"(3) cumulative service in joint duty assignments as described in subsection (g).

"(g) CUMULATIVE CREDIT.—(1) Cumulative service for purposes of subsection (f)(3) is service in joint duty assignments which totals in

length not less than the applicable standard prescribed in subsection (a) and which includes at least one tour of duty in a joint duty assignment that—

"(A) was performed outside the United States or in Alaska or Hawaii; or

Alaska.
Hawaii.

"(B) was terminated because of a qualifying reassignment (as described in paragraph (4)).

"(2) In computing cumulative service of an officer in joint duty assignments for purposes of paragraph (1), a tour of duty of the officer in a joint duty assignment other than a tour of duty specified in subparagraph (A) or (B) of paragraph (1) may not be counted unless the officer served at least two years in the assignment. The prohibition on counting certain tours of duty in the preceding sentence does not apply to a joint duty assignment which follows a reassignment described in paragraph (4)(B).

"(3) In computing the cumulative service of an officer in joint duty assignments for purposes of paragraph (1), a tour of duty in a joint duty assignment shall be excluded—

"(A) if the officer served less than 10 months in that assignment; and

"(B) to the extent that the assignment was served more than eight years before the date of computation of the cumulative service.

"(4) For purposes of paragraph (1)(B), a qualifying reassignment is a reassignment of an officer from a joint duty assignment—

"(A) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

"(B) to another joint duty assignment immediately after— 101 STAT. 1172

"(i) the officer was promoted to a higher grade if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

"(ii) the officer's position was eliminated in a reorganization.".

(b) CONSECUTIVE ASSIGNMENTS WITHIN SAME ORGANIZATION.—Section 668 of such title is amended by adding at the end the following new subsection:

"(f) CLARIFICATION OF 'TOUR OF DUTY'.—For purposes of this chapter, a tour of duty in which an officer serves in more than one joint duty assignment within the same organization without a break between such assignments shall be considered to be a single tour of duty in a joint duty assignment.".

SEC. 1304. NOTICE TO CONGRESS OF USE OF WAIVER AUTHORITIES AND EXCLUSIONS WITH RESPECT TO OFFICER MANAGEMENT

(a) ADDITIONS TO ANNUAL JOINT OFFICER REPORT.—Section 667 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (10) as paragraphs (5), (6), (7), (8), (10), (11), (13), (14), and (16), respectively;

(2) by inserting after paragraph (1) the following new paragraphs (2), (3), and (4):

"(2) The military occupational specialties within each of the armed forces that have been designated as critical occupational specialties under section 661(c)(2) of this title, separately identifying those specialties for which there is a severe shortage of trained officers, together with an explanation of how those specialties meet the criteria for that designation in section 661(c)(2)(B) of this title.

"(3) The number of officers on the active-duty list with a military occupational specialty designated under section 661(c)(2) of this title as a critical occupational specialty who—

"(A) have been nominated for the joint specialty;

"(B) have been nominated for the joint specialty and are serving in a joint duty assignment;

Schools and colleges.

"(C) have completed a joint duty assignment and are attending an appropriate program at a joint professional military education school;

Schools and colleges.

"(D) have completed an appropriate program at a joint professional military education school;

"(E) have been selected for the joint specialty; and

"(F) have served, or are serving in, a second joint duty assignment after being selected for the joint specialty, with the number of such officers who have served, or are serving, in a critical joint duty assignment shown separately for general and flag officers, and for all other officers.

"(4) For each fiscal year—

"(A) the number of officers nominated for the joint specialty and, of those, the number who have a military occupational specialty designated as a critical occupational specialty; and

"(B) a comparison of the number of officers who have the joint specialty who qualified for the joint specialty under section 661(c)(1) of this title with the number of officers who have the joint specialty who were selected for the joint specialty under section 661(c)(2) of this title.";

101 STAT. 1173

(3) by striking out "paragraph (2)" in paragraphs (6), (7), and (8) (as redesignated by paragraph (1)) and inserting in lieu thereof "paragraph (5)";

(4) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following new paragraph:

"(9) The promotion rate for officers considered for promotion from above the promotion zone, shown for officers serving on the Joint Staff, officers with the joint specialty, and other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (5).";

(5) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following new paragraph:

"(12) The number of times, in the case of each category of exclusion, that service in a joint duty assignment was excluded in computing the average length of joint duty assignments.";

(6) by striking out "paragraphs (2) through (5)" in paragraph (13) (as redesignated by paragraph (1)) and inserting in lieu thereof "paragraphs (5) through (9)"; and

(7) by inserting after paragraph (14) (as redesignated by paragraph (1)) the following new paragraph:

"(15) The number of times a waiver authority was exercised under this chapter (or under any other provision of law which permits the waiver of any requirement relating to joint duty assignments) and in the case of each such authority—

"(A) whether the authority was exercised for a general or flag officer;

"(B) an analysis of the reasons for exercising the authority; and

"(C) the number of times in which action was taken without exercise of the waiver authority compared with the number of times waiver authority was exercised (in the case of each waiver authority under this chapter or under any other provision of law which permits the waiver of any requirement relating to joint duty assignments).".

10 USC 667 note.

(b) APPLICABILITY.—Paragraphs (3) and (4) of section 667 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1987.

SEC. 1305. SPECIAL TRANSITION RULES FOR NUCLEAR PROPULSION OFFICERS

(a) JOINT DUTY ASSIGNMENT REQUIREMENT FOR PROMOTION TO FLAG RANK.—Paragraph (1) of section 619(e) of title 10, United States Code, is amended to read as follows:

"(1) An officer may not be appointed to the grade of brigadier general or rear admiral (lower half) unless the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title). Before January 1, 1992, an officer of the Navy designated as a qualified nuclear propulsion officer may be appointed to the grade of rear admiral (lower half) without regard to the preceding sentence, but an officer so appointed may not be appointed to the grade of rear admiral until the officer completes a full tour of duty in a joint duty assignment.".

(b) TRANSITION PLAN.—(1) The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall develop and carry out a plan for ensuring that— 10 USC 619 note.

(A) during the period before January 1, 1992, the maximum practicable number of officers of the Navy who are qualified nuclear propulsion officers serve in joint duty assignments and otherwise fulfill the provisions of chapter 38 of title 10, United States Code; and 101 STAT. 1174

(B) by January 1, 1992, the maximum practicable number of qualified nuclear popuslion officers in the grade of captain have qualified for appointment to the grade of rear admiral (lower half) by completing a full tour of duty in a joint duty assignment.

(2) The plan shall include milestones for each calendar year beginning with 1989 requiring that a progressively greater proportion of qualified nuclear propulsion officers fulfill the various requirements of chapter 38 of title 10, United States Code, and other provisions of law enacted by title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) so that after January 1, 1992, the nuclear propulsion community will be capable of complying with the requirements of that chapter without undue reliance on waivers granted by the Secretary of Defense.

(c) IMPLEMENTATION.—The plan required to be developed under subsection (b) shall be implemented at the earliest practicable date, but in no event later than six months after the date of enactment of this Act. The Chairman of the Joint Chiefs of Staff shall monitor the implementation of such plan. 10 USC 619 note.

(d) REPORT.—On the date on which the plan required to be developed under subsection (b) is implemented, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives— 10 USC 619 note.

(1) a copy of the plan; and

(2) a report explaining how the plan fulfills the objectives prescribed in subsection (b).

PART B—OTHER MATTERS

SEC. 1311. TEMPORARY INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF DEFENSE

10 USC 136 note.

Until January 20, 1989, the number of Assistant Secretaries of Defense authorized under section 136(a) of title 10, United States Code, and the number of positions at level IV of the Executive Schedule authorized under section 5315 of title 5, United States Code, for Assistant Secretaries of Defense, are each increased by one (to a total of 12).

SEC. 1312. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES

Section 601 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 194 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) EXCLUSION.—In computing and making reductions under this section, there shall be excluded not more than 1,600 personnel transferred during fiscal year 1988 from the General Services Administration to the Department of Defense for the purpose of having the Department of Defense assume responsibility for the management, operation, and administration of certain real property
101 STAT. 1175 under the jurisdiction of that Department.".

SEC. 1313. CLARIFICATION OF FORCES NOT REQUIRED TO BE ASSIGNED TO COMBATANT COMMANDS

International organizations.

Section 162(a)(2) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "or forces assigned to multinational peacekeeping organizations.".

SEC. 1314. TECHNICAL AMENDMENTS

10 USC 2431-2434.

(a) AMENDMENTS TO PUBLIC LAW 99-433.—(1) The table contained in section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 995) is amended by striking out "chapter 3" above the right hand column and inserting in lieu thereof "chapter 144".

10 USC 743.

(2) Section 202(b)(2) of such Act (100 Stat. 1011) is amended by inserting "the first place it appears" immediately before the semicolon.

10 USC 3033 note.

(3) Section 532(c)(1) of such Act (100 Stat. 1063) is amended by striking out "section" and inserting in lieu thereof "sections".

10 USC 111 note.

(4) Section 602(e)(3)(B) of such Act (100 Stat. 1067) is amended by striking out "and strength" and inserting in lieu thereof "end strength".

(b) AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 152 is amended by striking out the section heading and inserting in lieu thereof the following:

"§ 152. Chairman: appointment; grade and rank".

(B) The table of sections at the beginning of chapter 5 is amended by striking out the item relating to section 152 and inserting in lieu thereof the following:

"152. Chairman: appointment; grade and rank.".

(2) Section 155 is amended—

(A) in subsection (f)(4)(B), by inserting "or Congress" after "the President"; and

(B) in subsection (g)(2), by inserting "the President or" after "declared by".

(3) Section 194(e)(2) is amended by inserting "the President or" after "declared by".

(4) Section 619(e)(2)(D) is amended by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "October 1, 1986,".

(5)(A) The heading for section 743 is amended by adding at the end "; **Commandant of the Marine Corps**".

(B) The table of sections at the beginning of chapter 43 is amended by inserting "; Commandant of the Marine Corps" after "Air Force" in the item relating to section 743.

(6) Section 1406(i) is amended—

(A) by inserting "AND VICE CHAIRMEN" after "CHAIRMEN" in the subsection heading; and

(B) by inserting "or Vice Chairman" after "Chairman" in paragraph (1).

(7) Sections 3014(f)(4), 5014(f)(4), and 8014(f)(4) are each amended by inserting "the President or" after "declared by".

(8) The table of sections at the beginning of chapter 549 is amended by striking out the item relating to section 5898 and inserting in lieu thereof the following:

"5898. Action on reports of selection boards.".

(9) Section 8062(e) is amended by striking out "section 114" and inserting in lieu thereof "section 115". 101 STAT. 1176

(c) AMENDMENTS TO TITLE 37.—(1) Section 413 of title 37, United States Code, is amended to read as follows:

"§ 413. Chairman and Vice Chairman of the Joint Chiefs of Staff

"The Chairman and Vice Chairman of the Joint Chiefs of Staff are entitled to the allowances provided by law for the Chief of Staff of the Army.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 413 and inserting in lieu thereof the following:

"413. Chairman and Vice Chairman of the Joint Chiefs of Staff.".

(d) MISCELLANEOUS AMENDMENTS.—Footnote 2 in the table in section 411(a) of title 38, United States Code, is amended by inserting "or Vice Chairman" after "Chairman".

(2) Section 1344(b)(4) of title 31, United States Code, is amended by inserting "the members and Vice Chairman of" before "the Joint Chiefs of Staff".

(3) Footnote 2 of the table entitled "**COMMISSIONED OFFICERS**" in section 101(b)(1) of the Uniformed Services Pay Act of 1981 (37 U.S.C. 1009 note) is amended by inserting "or Vice Chairman" after "Chairman".

(4) Section 1302(b)(3) of the Department of Defense Authorization Act, 1986 (37 U.S.C. 431 note), is amended by striking out "section 133(d)" and inserting in lieu thereof "section 113(d)".

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply as if included in the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433). 10 USC 743 note. 10 USC 111 note.

(2) The amendments made by subsections (c)(1), (d)(3), and (d)(4) shall take effect as of October 1, 1986. 37 USC 413 note.

TITLE XIV—FOREIGN RELATIONS MATTERS

SEC. 1401. COMMENDATION OF ARMED FORCES IN PERSIAN GULF FOR SUCCESS OF CERTAIN OPERATIONS. Maritime affairs. Iran.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States are currently engaged in operations in the Persian Gulf, including operations to escort United States flag vessels moving through the Gulf, in order to protect national security interests of the United States and the principle of freedom of navigation in international waters.

(2) The government of Iran, through the use of its armed forces and revolutionary guards, is engaging in ongoing activities, including the laying of mines in international waters, to disrupt shipping in the Persian Gulf.

(3) During the night of September 21-22, 1987, Army and Naval forces of the United States detected an Iranian mine-laying activity underway in international waters in the Persian Gulf and, in an outstanding instance of joint military operations, tracked and neutralized the boat carrying out the mine laying. 101 STAT. 1177

(4) On October 8, 1987, elements of the Armed Forces of the United States, acting jointly, successfully defended themselves against an attack by Iranian forces in the Persian Gulf.

(5) The success of those joint operations (A) serves notice to Iran that the United States will react decisively and effectively to such hostile activities, and (B) may result in reduced risk to United States interests in the Persian Gulf.

(6) There is precedent throughout the history of the United States for Congress to recognize and commend similar oper-

ations by the Armed Forces of the United States, including Congressional praise on February 3, 1802, of "the gallant conduct" of certain members of a United States Naval force in the Wars with the Barbary Powers.

(b) CONGRESSIONAL COMMENDATIONS.—The Congress hereby—

(1) declares that those members of the Armed Forces who participated in the joint operations of September 21-22, 1987, and October 8, 1987, in the Persian Gulf acted in the finest military and naval traditions of the United States and displayed exemplary professionalism, skill, and dedication; and

(2) commends those members, and all members of the Armed Forces who acted in support of those operations, for their participation in those important and successful operations.

Maritime affairs

SEC. 1402. SENSE OF THE SENATE REGARDING JUSTIFICATION FOR SINKING IRANIAN VESSELS

It is the sense of the Senate that the Armed Forces of the United States are fully justified in sinking any Iranian vessel which threatens the safe passage of (1) any warship of the United States, or (2) any other vessel known to have on board any citizen of the United States. This section shall not in itself be construed as legislative authority for any specific military operation.

SEC. 1403. UNITED STATES POLICY TOWARD PANAMA

(a) FINDINGS.—The Congress makes the following findings:

(1) The executive, judicial, and legislative branches of the Government of Panama are now under the influence and control of the Panamanian Defense Forces.

(2) A broad coalition of church, business, labor, civic, and political groups in Panama has called for an objective and thorough investigation of allegations concerning serious violations of law by certain officials of the Government of Panama and the Panamanian Defense Forces and has insisted that General Noriega and others involved relinquish their official positions until such an investigation has been completed.

General Noriega

Human rights

(3) The Panamanian people continue to be denied the full rights and protections guaranteed by their constitution, as evidenced by continuing censorship and the closure of the independent media, arrests without due process, and instances of the use of excessive force by the Panamanian Defense Forces.

(4) Political unrest and social turmoil in Panama can only be resolved if the Government of Panama begins to demonstrate respect for and adherence to all provisions of the Panamanian constitution.

(b) POLICY.—Therefore, it is the sense of Congress that, subject to the condition expressed in subsection (c), the United States should take the following actions:

101 STAT. 1178

(1) Cease all economic and military assistance provided to the Government of Panama under the Foreign Assistance Act of 1961 and the Arms Export Control Act, other than assistance to meet immediate humanitarian concerns.

(2) Suspend all shipments of military equipment (including spare parts for military equipment) to the Government of Panama or to any of its agencies or institutions.

Imports

Sugar, syrup, and molasses

(3) Reassess whether the United States should terminate the importation into the United States of sugar, syrup, and molasses produced in Panama and reallocate among other foreign countries the quantities of such products that otherwise would be imported from Panama.

(c) CONDITIONS.—It is further the sense of Congress that the United States should take the actions described in subsection (b) unless, within 45 days after the date of the enactment of this Act—

(1) the Government of Panama has demonstrated substantial progress in the effort to assure civilian control of the armed

forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

(2) the Government of Panama has established an independent investigation into allegations of illegal actions by members of the Panama Defense Forces;

(3) a nonmilitary transitional government is in power; and

(4) all constitutional guarantees, including freedom of the press, have been restored to the people of Panama.

SEC. 1404. CONGRESSIONAL STATEMENTS CONCERNING VIETNAMESE OCCUPATION OF CAMBODIA AND JAPANESE TRADE WITH VIETNAM

(a) FINDINGS.—The Congress finds that—

(1) during the nine years since Vietnam invaded Cambodia in late 1978, most Western countries have pledged to maintain an embargo on trade with and developmental aid to Vietnam until Vietnamese troops are withdrawn from Cambodia;

(2) Japan joined in this embargo by freezing approximately $135,000,000 in grants and concessionary loans to Vietnam and reducing trade levels with Vietnam from $220,000,000 in 1978 to $120,000,000 the following year;

(3) despite the fact that 140,000 Vietnamese troops continue to occupy Cambodia, Japan's economic ties with Vietnam have grown steadily since 1982, reaching a current annual trade level of $230,000,000;

(4) this trade has included trade in goods and technology which enhances the productive capacity and the infrastructure base of Vietnam; and

(5) the 65,000,000 people of Vietnam are a tempting lure for investors seeking low wages and for traders seeking new markets.

(b) CONDEMNATION OF VIETNAMESE OCCUPATION OF CAMBODIA.—The Congress hereby—

(1) reaffirms its condemnation of the continued Vietnamese occupation of the sovereign State of Cambodia, an activity which violates all standards of conduct befitting a responsible nation and contravenes all recognized principles of international law; and

(2) reaffirms its call for Vietnam to withdraw from Cambodia as the only way Vietnam can expect to end its self-induced economic isolation.

101 STAT. 1179

(c) STATEMENT ON JAPANESE TRADE WITH VIETNAM.—The Congress hereby strongly urges the Government of Japan to—

(1) continue to refrain from granting to Vietnam any official economic assistance;

(2) refrain from granting to Vietnam any form of trade financing, including export credits, trade-related credit insurance, and extended loans for infrastructure development;

(3) continue to discourage its private business sector from exporting to Vietnam goods and technology which enhance the productive capacity and the infrastructure base of Vietnam, including in particular equipment for—

(A) oil exploration and development,

(B) forestry and fishery production,

(C) development of raw materials for light industries, and

(D) the upgrading of export productive capacities; and

(4) strongly discourage the private business sector of Japan from providing financing which in any way facilitates trade with Vietnam.

SEC. 1405. SENSE OF CONGRESS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

Congress hereby reaffirms the sense of Congress expressed in the first session of the 99th Congress (in section 1451 of the Department

of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 760)), that United States Armed Forces should not be introduced into or over Nicaragua for combat. However, nothing in this section shall be construed as affecting the authority and responsibility of the President or Congress under the Constitution, statutes, or treaties of the United States in force.

Military Construction Authorization Act, 1988 and 1989.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE

This division may be cited as the "Military Construction Authorization Act, 1988 and 1989".

SEC. 2002. EXPLANATION OF ALTERNATIVE LEVELS

In this division the dollar amount authorized for projects at certain military installations and the dollar amount authorized to be appropriated for certain purposes are shown in two different amounts, the second amount being set forth in parentheses immediately after the first. An explanation of the reasons for the two amounts and the rule for determining which dollar amount is to be effective appears in section 3 of this Act.

101 STAT. 1180

Subdivision 1—Fiscal Year 1988

TITLE I—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $54,790,000 ($41,990,000).
Fort Campbell, Kentucky, $12,410,000.
Fort Carson, Colorado, $2,050,000.
Fort Devens, Massachusetts, $1,840,000.
Fort Greely, Alaska, $6,400,000.
Fort Hood, Texas, $31,500,000.
Fort Hunter Liggett, California, $1,000,000.
Fort Irwin, California, $4,450,000.
Fort Lewis, Washington, $960,000.
Fort McCoy, Wisconsin, $720,000.
Fort McPherson, Georgia, $1,400,000.
Fort Ord, California, $6,890,000.
Fort Pickett, Virginia, $390,000.
Fort Polk, Louisiana, $490,000.
Fort Riley, Kansas, $4,850,000.
Fort Sam Houston, Texas, $3,300,000.
Fort Stewart, Georgia, $13,570,000.
Fort Wainwright, Alaska, $54,100,000.
Presidio of San Francisco, California, $1,550,000.

UNITED STATES ARMY WESTERN COMMAND

Aliamanu Military Reservation, Hawaii, $5,000,000.
Hawaii Various, $12,300,000.
Schofield Barracks, Hawaii, $38,850,000 ($18,850,000).

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Belvoir, Virginia, $15,610,000.
Fort Benjamin Harrison, Indiana, $6,900,000 ($0)
Fort Benning, Georgia, $11,700,000.
Fort Bliss, Texas, $13,040,000.
Fort Dix, New Jersey, $1,650,000.
Fort Knox, Kentucky, $3,400,000.
Fort Hamilton, New York, $960,000.
Fort Lee, Virginia, $14,350,000.
Fort Leonard Wood, Missouri, $10,000,000.
Fort McClellan, Alabama, $4,700,000.
Fort Rucker, Alabama, $5,700,000.

MILITARY DISTRICT OF WASHINGTON

Cameron Station, Virginia, $400,000. 101 STAT. 1181

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $7,160,000.
Army Materiel Research Command, Massachusetts, $15,000,000.
Anniston Army Depot, Alabama, $2,100,000.
Corpus Christi Army Depot, Texas, $2,950,000.
Dugway Proving Ground, Utah, $9,200,000 ($5,250,000).
Fort Wingate, New Mexico, $370,000.
Hawthorne Army Ammunition Plant, Nevada, $6,500,000.
Lake City Army Ammunition Plant, Missouri, $21,000,000.
Letterkenny Army Depot, Pennsylvania, $2,000,000.
Lexington-Blue Grass Depot Activity, Kentucky, $570,000.
Navajo Depot Activity, Arizona, $4,000,000.
Pine Bluff Arsenal, Arkansas, $2,000,000.
Pueblo Depot Activity, Colorado, $620,000.
Red River Army Depot, Texas, $7,950,000.
Redstone Arsenal, Alabama, $21,000,000.
Savanna Army Depot, Illinois, $2,550,000.
Seneca Army Depot, New York, $1,250,000.
Sierra Army Depot, California, $2,600,000.
Tooele Army Depot, Utah, $6,700,000.
Umatilla Depot Activity, Oregon, $1,050,000.

UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, $1,250,000.
Fort Ritchie, Maryland, $16,500,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $26,200,000 ($11,400,000).

UNITED STATES ARMY HEALTH SERVICES COMMAND

Walter Reed Army Medical Center, District of Columbia, $1,300,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, $2,010,000.
Sunny Point Military Ocean Terminal, North Carolina, $2,190,000.

ASSISTANT CHIEF OF ENGINEERS

Classified, United States, $4,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

UNITED STATES ARMY, JAPAN

Japan Various, $11,250,000.

EIGHTH UNITED STATES ARMY

Camp Casey, Korea, $28,000,000.
Camp Castle, Korea, $3,200,000.
101 STAT. 1182 Camp Hovey, Korea, $11,800,000.
Camp Howze, Korea, $4,150,000.
Camp Jackson, Korea, $4,350,000.
Camp Kyle, Korea, $2,750,000.
Camp Mercer, Korea, $720,000.
Camp Nimble, Korea, $2,200,000.
Camp Page, Korea, $5,900,000.
Camp Red Cloud, Korea, $8,500,000.
Korea, Various, $4,850,000.
Yongsan, Korea, $3,750,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, $26,560,000.

UNITED STATES ARMY SOUTH

Honduras, $4,150,000.

UNITED STATES ARMY EUROPE AND SEVENTH ARMY

Bad Kreuznach, Germany, $10,200,000.
Baumholder, Germany, $10,800,000.
Einsiedlerhof, Germany, $5,900,000.
Giessen, Germany, $1,250,000.
Grafenwoehr, Germany, $5,700,000.
Hanau, Germany, $1,300,000.
Hohenfels, Germany, $15,500,000.
Mainz, Germany, $1,100,000.
Rheinberg, Germany, $16,950,000.
Stuttgart, Germany, $14,200,000.
Various, Germany, $19,500,000.
Vilseck, Germany, $60,400,000.
Wiesbaden, Germany, $38,900,000.
Wildflecken, Germany, $16,100,000.
Zweibruecken, Germany, $1,900,000.

SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2104(a)(6)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort Rucker, Alabama, seven manufactured home spaces, $110,000.

Fort Wainwright, Alaska, fifty-nine units, $10,800,000.

Fort Irwin, California, two hundred and seventy units (two hundred and twenty-five units), $30,000,000 ($24,000,000).

Fort Ord, California, two hundred and eleven units, $19,000,000, of which not more than twenty-four units may be constructed at Fort Hunter Liggett, California.

Bamberg, Germany, one hundred and six units, $11,200,000.

Baumholder, Germany, one hundred and fifty-two units, $12,600,000.

Various Locations, Germany, two hundred and twenty-eight units, funded under section 2103.

Vilseck, Germany, one hundred and eighty-eight units, $17,000,000.

Helemano, Hawaii, two hundred units, $21,000,000.

Pearl City, Hawaii, sixty units, $6,700,000. 101 STAT. 1183
Schofield Barracks, Hawaii, one hundred units, $11,200,000.
Saint Louis Support Center, Illinois, one hundred units, $9,700,000.
Fort Polk, Louisiana, three hundred and fifty units, $27,000,000.
Fort Hood, Texas, one hundred and fifty units, $9,400,000.
Fort A.P. Hill, Virginia, twenty-five units, $2,200,000.
Fort Eustis, Virginia, thirty-two manufactured home spaces, $480,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2104(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $21,900,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may improve, using amounts appropriated pursuant to section 2104(a)(6)(A), existing military family housing units in an amount not to exceed $108,000,000 ($100,000,000), of which $9,223,000 is available only for energy conservation projects.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Sharpe Army Depot, California, thirty units $1,300,000.
Fort McNair, District of Columbia, four units $220,000.
Fort Riley, Kansas, one hundred and twenty-eight units, $5,100,000.
Fort Leonard Wood, Missouri, fifteen units $600,000.
Fort Belvoir, Virginia, one hundred and ninety-eight units, $8,800,000.
Various locations, Germany, convert unused attic space and upgrade one hundred and two units into three hundred and thirty adequate units, $24,388,000.

(c) WAIVER OF SPACE LIMITATION.—(1) Of the military family housing units to be constructed at the St. Louis Support Center, Illinois, two of those units shall, subject to paragraph (3), be constructed for assignment to general officers who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense) and, notwithstanding section 2826(a) of title 10, United States Code, each such unit may be constructed with a maximum net floor area of 3,000 square feet.

(2) For purposes of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United State Code.

(3) The provisions of this subsection and of section 2133(c) shall become effective on the date that the report regarding space limitations for senior military officer housing which was requested in the joint statement of the conferees accompanying the conference report filed with respect to the bill S. 2638 of the Ninety-ninth Congress is 101 STAT. 1184
received by the Committees on Armed Services of the Senate and House of Representatives.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,609,063,000 ($2,536,613,000) as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $517,240,000 ($458,790,000).

(2) For military construction projects outside the United States authorized by section 2101(b), $341,830,000.

(3) For military construction projects inside the United States at New Cumberland Army Depot, Pennsylvania, authorized by section 101 of the Military Construction Authorization Act, 1986, $30,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $15,600,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $128,120,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $318,290,000 ($304,290,000);

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,255,183,000, of which not more than $46,498,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $163,842,000 may be obligated or expended for the leasing of military family housing units in foreign countries; and

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $2,800,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) PLANNING ASSISTANCE.—Of the amount appropriated pursuant to subsection (a)(5), the Secretary of the Army shall use at least $250,000 for community planning assistance for communities located near the newly established Light Infantry Division Post at Fort Drum, New York.

SEC. 2105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407, 98 Stat. 1515), authorizations for the following projects authorized in section 101 of that Act, as extended by section 2107(a) of the National Defense Authorization Act, 1987 (Public Law 99-661), shall
101 STAT. 1185 remain in effect until October 1, 1988, or the date of enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Barracks with dining facility in the amount of $11,400,000 at Presidio of San Francisco, California.

(2) Barracks modernization in the amount of $660,000 at Argyroupolis, Greece.

(3) Barracks modernization in the amount of $660,000 at Perivolaki, Greece.

(4) Barracks with dining facility in the amount of $2,350,000 at Elefsis, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in sections 101 and 102 of that Act shall remain in effect until October 1, 1988, or the date of the enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Family housing, new construction, fifty manufactured home spaces in the amount of $712,000 at Fort Carson, Colorado.

(2) Ammunition storage in the amount of $850,000 at Bamberg, Germany.

(3) Tactical equipment shop in the amount of $3,350,000 at Hanau, Germany.

(4) Child care center in the amount of $470,000 at Karlsruhe, Germany.

(5) Modified record fire range in the amount of $2,850,000 at Nuernberg, Germany.

(6) Flight simulator building in the amount of $2,900,000 at Wiesbaden, Germany.

(7) Multi-purpose training ranges in the amount of $20,000,000 at Wildflecken, Germany.

(8) Air conditioning upgrade in the amount of $5,900,000 at Schofield Barracks, Hawaii.

(9) Child care center in the amount of $1,350,000 at Camp Darby, Italy.

(10) Dining facility modernization in the amount of $4,350,000 at Fort Leavenworth, Kansas.

(11) Family housing, new construction, fifty manufactured home spaces in the amount of $700,000 at Fort Riley, Kansas.

(12) Family housing, new construction, fifty manufactured home spaces in the amount of $689,000 at Fort Campbell, Kentucky.

(13) Water pollution abatement in the amount of $770,000 at Army Materiels and Mechanics Research Center, Massachusetts.

(14) Family housing, new construction, twenty manufactured home spaces in the amount of $317,000 at Fort Devens, Massachusetts.

(15) Family housing, new construction, fifty manufactured home spaces in the amount of $637,000 at Fort Bragg, North Carolina.

(16) Family housing, new construction, twenty-four manufactured home spaces in the amount of $351,000 at Dugway Proving Ground, Utah.

(17) Family housing, new construction, 6 units, in the amount of $596,000 at Fort Myer, Virginia. 101 STAT. 1186

(18) Museum site preparation and utilities in the amount of $2,500,000 at Fort Rucker, Alabama.

TITLE II—NAVY

SEC. 2121. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Albany, Georgia, $1,530,000.

Marine Corps Logistics Base, Barstow, California, $3,230,000.

Marine Corps Base, Camp Lejeune, North Carolina, $38,705,000.

Marine Corps Air Station, Camp Pendleton, California, $5,810,000.

Marine Corps Base, Camp Pendleton, California, $31,470,000.

Marine Corps Air Station, Cherry Point, North Carolina, $28,500,000.

Marine Corps Air Station, El Toro, California, $3,160,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $24,153,000.

Marine Corps Air Station, New River, North Carolina, $6,530,000.

Marine Corps Development and Education Command, Quantico, Virginia $4,900,000.

Marine Corps Air Station, Tustin, California, $5,110,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $25,900,000.
Marine Corps Air Station, Yuma, Arizona, $9,280,000.

SPACE AND NAVAL WARFARE SYSTEMS COMMAND

Naval Surface Weapons Center, Dahlgren, Virginia, $30,620,000.
Naval Underwater Systems Center, New London, Connecticut, $11,230,000 ($0).
Naval Underwater System Center, Newport, Rhode Island, $750,000.
Naval Coastal Systems Center, Panama City, Florida, $5,400,000.
Naval Air Development Center, Warminster, Pennsylvania, $300,000.

CHIEF OF NAVAL OPERATIONS

Naval Space Surveillance Field Station, Hawkinsville, Georgia, $2,890,000.
Naval Tactical Interoperability Support Activity Detachment Six, Mayport, Florida, $500,000.
Naval Forces Central Command, Pearl Harbor, Hawaii, $2,260,000 ($0).
Naval Air Detachment, Tinker Air Force Base, Oklahoma, $11,800,000.
Commandant, Naval District, Washington, District of Columbia, $21,700,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Galveston, Texas, $28,300,000.
101 STAT. 1187 Naval Station, Ingleside, Texas, $88,800,000.
Naval Air Station, Jacksonville, Florida, $4,630,000.
Naval Air Station, Key West, Florida, $15,580,000.
Naval Station, Lake Charles, Louisiana, $15,300,000.
Naval Amphibious Base, Little Creek, Virginia, $23,320,000.
Naval Station, Mayport, Florida, $1,480,000.
Naval Station, Mobile, Alabama, $40,700,000.
Naval Submarine Base, New London, Connecticut, $5,200,000 ($2,900,000).
Naval Station, New York, New York, $16,200,000.
Naval Air Station, Norfolk, Virginia, $4,970,000.
Naval Air Station, Oceana, Virginia, $4,540,000.
Naval Station, Pascagoula, Mississippi, $42,100,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Adak, Alaska, $56,200,000.
Naval Air Station, Alameda, California, $11,400,000.
Trident Refit Facility, Bangor, Washington, $1,080,000.
Naval Amphibious Base, Coronado, California, $2,760,000.
Naval Station, Everett, Washington, $37,500,000.
Naval Air Station, Lemoore, California, $2,560,000.
Naval Station, Long Beach, California, $5,120,000 ($0).
Naval Magazine, Lualualei, Hawaii, $5,310,000.
Naval Air Station, Miramar, California, $6,500,000.
Naval Air Station, North Island, California, $25,270,000.
Commander, Oceanographic System, Pacific, Pearl Harbor, Hawaii, $1,280,000.
Fleet Intelligence Center, Pacific, Pearl Harbor, Hawaii, $13,097,000.
Naval Station, Pearl Harbor, Hawaii, $430,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $7,180,000.
Naval Station, San Diego, California, $36,680,000.
Naval Submarine Base, San Diego, California, $4,120,000.
Naval Station, Treasure Island, San Francisco, California, $4,430,000.
Naval Air Station, Whidbey Island, Washington, $12,650,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Surface Warfare Officers School Command District, Coronado, California, $4,130,000 ($0).
Naval Air Station, Corpus Christi, Texas, $1,180,000.
Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $450,000.
Naval Guided Missiles School, Dam Neck, Virginia, $550,000.
Naval Training Center, Great Lakes, Illinois, $6,910,000.
Naval Air Station, Kingsville, Texas, $10,000,000.
Naval Technical Training Center Detachment, Lackland Air Force Base, Texas, $10,800,000.
Naval Air Station, Memphis, Tennessee, $11,220,000.
Naval Education and Training Center, Newport, Rhode Island, $3,640,000.
Naval Training Center, Orlando, Florida, $3,050,000.
Naval Air Station, Pensacola, Florida, $28,200,000.
Naval Technical Training Center, Pensacola, Florida, $8,170,000.
Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $5,020,000.
Naval Technical Training Center, San Francisco, California, $10,100,000.

101 STAT. 1188

NAVAL MEDICAL COMMAND

Naval Hospital Branch, Adak, Alaska $700,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command, Bay St. Louis, Massachusetts, $1,600,000.
Naval Eastern Oceanography Center, Norfolk, Virginia, $600,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk, Virginia, $8,400,000.
Naval Communication Station, Stockton, California, $2,800,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $2,860,000.
Naval Security Group Activity, Northwest, Chesapeake, Virginia, $4,530,000.
Naval Security Station, Washington, District of Columbia, $3,000,000.
Naval Security Group Activity, Winter Harbor, Maine, $1,550,000.

NAVAL INTELLIGENCE COMMAND

Atlantic Fleet Headquarters Support Activity, Norfolk, Virginia, $5,070,000.

NAVAL SUPPLY SYSTEMS COMMAND

Naval Supply Center, Charleston, South Carolina, $8,170,000.
Naval Supply Center, Jacksonville, Florida, $4,720,000.
Navy Clothing and Textile Research Facility, Natick, Massachusetts, $1,870,000.
Naval Supply Center, Norfolk, Virginia, $7,210,000.
Naval Supply Center, Pearl Harbor, Hawaii, $3,280,000.
Naval Supply Center, Pensacola, Florida, $1,000,000.

NAVAL AIR SYSTEMS COMMAND

Naval Air Rework Facility, Alameda, California, $16,000,000.
Naval Air Rework Facility, Cherry Point, North Carolina, $500,000.
Naval Air Rework Facility, Jacksonville, Florida, $5,000,000.
Naval Air Test Center, Patuxent River, Maryland, $6,500,000.
Pacific Missile Test Center, Point Mugu, California, $650,000.

NAVAL FACILITIES ENGINEERING COMMAND

Naval Construction Battalion Center, Gulfport, Mississippi, $10,450,000.
Navy Public Works Center, Norfolk, Virginia, $6,100,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $11,203,000.
Navy Public Works Center, Pensacola, Florida, $4,150,000.
Naval Construction Battalion Center, Port Hueneme, California,
101 STAT. 1189 $5,870,000.
Navy Public Works Center, San Diego, California, $5,700,000.
Navy Public Works Center, San Francisco, California, $11,700,000.

NAVAL SEA SYSTEMS COMMAND

Charleston Naval Shipyard, Charleston, South Carolina, $1,400,000.
Naval Weapons Station, Charleston, South Carolina, $1,670,000.
Naval Weapons Station, Concord, California, $4,640,000.
Naval Weapons Support Center, Crane, Indiana, $8,290,000.
Naval Weapons Station, Earle, New Jersey, $3,540,000.
Naval Ordnance Station, Indian Head, Maryland, $6,860,000.
Naval Undersea Warfare Engineering Station, Keyport, Washington, $8,170,000.
Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $5,800,000.
Naval Weapons Station, Seal Beach, California, $15,970,000.
Mare Island Naval Shipyard, Vallejo, California, $4,040,000.
Naval Weapons Station, Yorktown, Virginia, $30,850,000 ($22,880,000).

STRATEGIC SYSTEMS PROJECT OFFICE

Naval Submarine Base, Kings Bay, Georgia, $95,025,000.

VARIOUS LOCATIONS

Land Acquisition, $8,091,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

UNITED STATES MARINE CORPS

Marine Corps Air Station, Futenma, Okinawa, Japan, $1,000,000.
Marine Corps Air Station, Iwakuni, Japan, $1,080,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Support Activity, Antigua, West Indies, $3,250,000 ($0).
Naval Facility, Brawdy Wales, United Kingdom, $850,000.
Naval Station, Guantanamo Bay, Cuba, $917,000.
Naval Air Station, Guantanamo Bay, Cuba, $1,770,000.
Naval Air Station, Keflavik, Iceland, $4,870,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $2,020,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Mobile Construction Battalion, Camp Covington, Guam, $14,700,000.
Naval Air Station, Cubi Point, Republic of the Philippines, $1,490,000.
Naval Support Facility, Diego Garcia, Indian Ocean, $1,000,000.
Naval Facility, Guam, $650,000.
Naval Magazine, Guam, $10,800,000.
Naval Supply Depot, Guam, $14,160,000.
Naval Ship Repair Facility, Guam, $5,100,000.

COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE 101 STAT. 1190

Naval Support Office, La Maddalena, Italy, $7,480,000.
Naval Activities, London, United Kingdom, $600,000.
Naval Support Activity, Naples, Italy, $20,150,000.
Naval Air Station, Sigonella, Italy, $2,460,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Mediterranean, Naples, Italy, $5,300,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edzell, Scotland, $4,970,000 ($770,000).
Naval Security Group Activity, Sabana Seca, Puerto Rico, $400,000.
Naval Security Group Activity, Terceira Island, Azores, $700,000.

NAVAL FACILITIES ENGINEERING COMMAND

Navy Public Works Center, Guam, $2,360,000.
Navy Public Works Center, Subic Bay, Republic of the Philippines, $7,680,000.

SEC. 2122. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2125(a)(8)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

Navy Public Works Center, San Diego, California, five hundred and eighty units (three hundred units), $52,840,000 ($27,840,000).
Navy Public Works Center, San Francisco, California, four hundred and forty-four units, $38,380,000.
Nuclear Power Training Unit, Ballston Spa, New York, one hundred units, $8,810,000.
Naval Station, New York, New York, two hundred and fifty units, $25,490,000.
Marine Corps Base, Camp Pendleton, California, two hundred and sixty-eight units (two hundred units), $25,760,000 ($17,760,000).
Marine Corps Air Station, El Toro, California, one hundred units, $8,660,000.
Marine Corps Air-Ground Combat Center, Twentynine Palms, California, one hundred units, $11,530,000.
Marine Corps Air Station, Beaufort, South Carolina, thirty-seven mobile home spaces, $540,000.
Marine Corps Recruit Depot, Parris Island, South Carolina, twenty-five mobile home spaces, $370,000.
Marine Corps Development and Education Command, Quantico, Virginia, ten mobile home spaces, $166,000.
Marine Corps Finance Center, Kansas City, Missouri, eight mobile home spaces, $120,000.
Naval Station, Keflavik, Iceland, two hundred fifty units, $20,000,000.

101 STAT. 1191

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2125(a)(8)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $6,248,000.

SEC. 2123. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve, using amounts

appropriated pursuant to section 2125(a)(8)(A), existing military family housing units in the amount of $39,943,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Naval Station, Long Beach, California, two hundred forty-five units, $16,237,000.

Naval Air Station, Whidbey Island, Seattle, Washington, seventy-one units, $2,937,700.

Navy Public Works Center, San Francisco, California, thirty-six units, $2,331,600.

Navy Public Works Center, San Francisco, California, twenty-four units, $1,004,700.

Naval Air Station, Brunswick, Maine, two hundred thirty-one units, $9,799,000.

Marine Corps Development and Education Command, Quantico, Virginia, one hundred forty-eight units, $8,079,500.

Navy Public Works Center, Guam, eighty-two units, $6,838,700.

Naval Station, New York, New York, one hundred twenty units, $12,500,000.

SEC. 2124. DEFENSE ACCESS ROADS

The Secretary of the Navy may, using funds appropriated pursuant to section 2125(a)(7), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at the following locations and in the following amounts:

Naval Construction Battalion Center, Hueneme, California, $800,000.

Naval Air Station, Moffett Field, California, $400,000.

Naval Station, San Diego, California, $350,000.

Naval Station, Norfolk, Virginia, $1,200,000.

Naval Submarine Base, Groton, Connecticut, $1,250,000.

Naval Station, Everett, Washington, phase I, $10,000,000.

SEC. 2125. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,217,120,000 ($2,143,660,000) as follows:

(1) For military construction projects inside the United States authorized by section 2121(a), $1,109,364,000 ($1,076,354,000).

101 STAT. 1192

(2) For military construction projects outside the United States authorized by section 2121(b), $115,757,000 ($108,307,000).

(3) For military construction projects at Kings Bay, Georgia, authorized by section 201(a) of the Military Construction Authorization Act, 1986, $28,675,000.

(4) For military construction projects at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act, 1987, $19,500,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,500,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $143,655,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $14,000,000.

(8) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $238,857,000 ($205,857,000); and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $530,812,000 of which not more than $14,347,000 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $22,220,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2121 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2126. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED

(a) PROJECTS.—(1) In addition to the military construction projects authorized under title II of the Military Construction Authorization Act, 1987 (Public Law 99-661), the Secretary of the Navy may acquire real property and may carry out the following military construction projects in the following amounts which have been appropriated for such projects before the date of the enactment of this Act:

Naval Supply Center, Pearl Harbor, Hawaii, Cold Storage Facility, $11,500,000.

Naval Air Station, Memphis, Tennessee, Road Improvements, $1,570,000.

Cubi Point, Republic of the Philippines, Bachelor Officers' Quarters, $5,300,000.

(2) Notwithstanding the provisions of section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of the projects authorized by paragraph (1) may not exceed the total amount authorized for such projects by such paragraph.

(b) FAMILY HOUSING.—In addition to the expenditures for improvements to military family housing authorized by section 2203 of the Military Construction Authorization Act, 1987 (Public Law 99-661), the Secretary of the Navy may make expenditures, out of funds appropriated before the date of the enactment of this Act, to improve existing family housing units, pursuant to section 2825 of title 10, United States Code, in an amount not to exceed $22,000,000. 101 STAT. 1193

SEC. 2127. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1984 PROJECTS.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115), authorizations for the following projects authorized in section 201 of that Act, as extended by section 2209(b) of the Military Construction Authorization Act, 1987 (Public Law 99-661), shall remain in effect until October 1, 1988, or the date of enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Unaccompanied enlisted personnel housing in the amount of $10,000,000 at the Naval Air Station, Jacksonville, Florida.

(2) Electrical distribution lines in the amount of $7,200,000 at the Mare Island Naval Shipyard, Vallejo, California.

(3) Heating, Ventilation and Air Conditioning System, in the amount of $4,540,000 at the Naval Air Station, Alameda, California.

(4) Land acquisition in the amount of $830,000 at the Naval Weapons Station, Concord, California.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in section 201 of

that Act shall remain in effect until October 1, 1988, or the date of enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Plating shop modernization in the amount of $12,740,000 at the Naval Ordnance Station, Louisville, Kentucky.

(2) Bachelors enlisted quarters and mess hall in the amount of $4,700,000 at the Naval Magazine, Guam.

(3) Physical fitness center in the amount of $5,380,000 at the Marine Corps Air-Ground Combat Center, Twentynine Palms, California.

(4) Dredging in the amount of $6,570,000 at the Naval Supply Center, Oakland, California.

(5) Dredging in the amount of $8,650,000 at the Naval Air Station, Alameda, California.

(6) Paint and finishing hangar in the amount of $22,000,000 at the Naval Air Rework Facility, Alameda, California.

(7) Combat swimmer trainer facility in the amount of $3,000,000 at the Naval Amphibious Base, Coronado, California.

(8) Communications facilities in the amount of $2,750,000 at the Naval Station, Guantanamo Bay, Cuba.

(9) Seabee material transit facility in the amount of $6,960,000 at the Naval Construction Battalion Center, Port Hueneme, California.

SEC. 2128. NAVAL WEAPONS STATION, EARLE, NEW JERSEY

100 Stat. 4020
101 STAT. 1194

Section 2201(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661) is amended by striking out "Naval Weapons Station, Earle, New Jersey, $34,760,000" and inserting in lieu thereof "Naval Weapons Station, Earle, New Jersey, $54,760,000".

TITLE III—AIR FORCE

SEC. 2131. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $46,600,000 ($34,100,000).
Kelly Air Force Base, Texas, $30,650,000.
McClellan Air Force Base, California, $24,500,000.
Newark Air Force Base, Ohio, $580,000.
Robins Air Force Base, Georgia, $15,500,000.
Tinker Air Force Base, Oklahoma, $11,500,000.
Wright-Patterson Air Force Base, Ohio, $22,750,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $17,500,000.
Edwards Air Force Base, California, $5,750,000.
Eglin Air Force Base, Florida, $23,050,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $16,900,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $8,350,000.
Columbus Air Force Base, Mississippi, $5,450,000.
Goodfellow Air Force Base, Texas, $5,500,000.
Keesler Air Force Base, Mississippi, $6,300,000.
Lackland Air Force Base, Texas, $13,900,000.

Laughlin Air Force Base, Texas, $1,872,000.
Lowry Air Force Base, Colorado, $7,050,000.
Mather Air Force Base, California, $4,800,000.
Randolph Air Force Base, Texas, $8,100,000 ($5,800,000).
Reese Air Force Base, Texas, $610,000.
Sheppard Air Force Base, Texas, $13,700,000.
Vance Air Force Base, Oklahoma, $3,190,000.
Williams Air Force Base, Arizona, $3,350,000.

AIR UNIVERSITY

Gunter Air Force Station, Alabama, $8,800,000.
Maxwell Air Force Base, Alabama, $24,200,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $10,165,000.
Elmendorf Air Force Base, Alaska, $11,000,000 ($4,300,000).
Shemya Air Force Base, Alaska, $38,350,000.
Various Locations, $15,800,000.

101 STAT. 1195

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $14,600,000.
Andrews Air Force Base, Maryland, $20,000,000.
Dover Air Force Base, Delaware, $5,050,000 ($2,300,000).
Kirtland Air Force Base, New Mexico, $53,400,000.
Little Rock Air Force Base, Arkansas, $400,000.
McGuire Air Force Base, New Jersey, $1,640,000.
Pope Air Force Base, North Carolina, $11,000,000.
Scott Air Force Base, Illinois, $7,080,000.
Travis Air Force Base, California, $1,500,000.

PACIFIC AIR FORCES

Bellows Air Force Base, Hawaii, $460,000.
Hickam Air Force Base, Hawaii, $900,000.
Kaena Point, Hawaii, $3,400,000.

SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, $2,150,000.
Cavalier Air Force Station, North Dakota, $3,750,000.
Clear Air Force Base, Alaska, $4,000,000.
Falcon Air Force Station, Colorado, $2,150,000 ($0).
Peterson Air Force-Base, Colorado, $12,150,000 ($1,650,000).

SPECIAL PROJECT

Various Locations, CONUS, $19,073,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $3,700,000.
Beale Air Force Base, California, $7,180,000 ($2,180,000).
Blytheville Air Force Base, Arkansas, $6,500,000.
Carswell Air Force Base, Texas, $5,010,000.
Castle Air Force Base, California, $10,650,000.
Dyess Air Force Base, Texas, $3,600,000.
Ellsworth Air Force Base, South Dakota, $11,550,000.
Fairchild Air Force Base, Washington, $6,000,000.
F.E. Warren Air Force Base, Wyoming, $308,000.
Grand Forks Air Force Base, North Dakota, $1,600,000.
Griffiss Air Force Base, New York, $14,830,000.
Holbrook Radar Bomb Score Site, Arizona, $1,890,000.
K.I. Sawyer Air Force Base, Michigan, $3,030,000.
Loring Air Force Base, Maine, $17,480,000 ($4,380,000).
Malmstrom Air Force Base, Montana, $18,760,000.
McConnell Air Force Base, Kansas, $4,750,000 ($2,550,000).

Minot Air Force Base, North Dakota, $8,600,000.
Offutt Air Force Base, Nebraska, $10,660,000.
Plattsburgh Air Force Base, New York, $2,900,000.
Vandenberg Air Force Base, California, $1,300,000.
Whiteman Air Force Base, Missouri, $89,300,000.
Wilder, Idaho, $2,350,000.
Wurtsmith Air Force Base, Michigan, $13,620,000.

TACTICAL AIR COMMAND

101 STAT. 1196

Bangor International Airport, Maine, $1,500,000.
Base 51, $610,000.
Base 52, $600,000.
Bergstrom Air Force Base, Texas, $9,190,000.
Cannon Air Force Base, New Mexico, $7,000,000.
Davis-Monthan Air Force Base, Arizona, $8,000,000 ($1,000,000).
England Air Force Base, Louisiana, $2,300,000.
George Air Force Base, California, $210,000.
Holloman Air Force Base, New Mexico, $7,750,000.
Indian Springs Auxiliary Air Field, Nevada, $4,400,000.
Langley Air Force Base, Virginia, $9,150,000.
Luke Air Force Base, Arizona, $5,400,000 ($2,800,000).
MacDill Air Force Base, Florida, $3,741,000.
Mountain Home Air Force Base, Idaho, $1,900,000.
Nellis Air Force Base, Nevada, $14,050,000.
Seymour-Johnson Air Force Base, North Carolina, $11,950,000.
Shaw Air Force Base, South Carolina, $4,980,000.
Tyndall Air Force Base, Florida, $2,000,000.

UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, $2,680,000.

VARIOUS LOCATIONS

Classified Location, $1,500,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $4,600,000.
Rhein-Main Air Base, Germany, $11,450,000.

PACIFIC AIR FORCES

Camp Humphreys, Korea, $5,550,000.
Clark Air Base, Republic of the Philippines, $9,540,000.
Diego Garcia Air Base, Indian Ocean, $18,600,000.
Kadena Air Base, Japan, $5,000,000.
Kunsan Air Base, Korea, $5,750,000.
Osan Air Base, Korea, $16,640,000.
Suwon Air Base, Korea, $3,650,000.

SPACE COMMAND

Thule Air Base, Greenland, $3,000,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $8,700,000 ($5,100,000).

TACTICAL AIR COMMAND

Howard Air Force Base, Panama, $11,000,000 ($310,000).
Masirah, Oman, $3,325,000.
Seeb, Oman, $8,260,000.
Thumrait, Oman, $5,010,000.

UNITED STATES AIR FORCES IN EUROPE 101 STAT. 1197

RAF Alconbury, United Kingdom, $2,150,000.
Ankara Air Station, Turkey, $2,250,000.
Aviano Air Base, Italy, $1,450,000.
RAF Bentwaters, United Kingdom, $9,900,000.
Bitburg Air Base, Germany, $4,690,000.
Buchel Air Base, Germany, $2,000,000.
Camp New Amsterdam, The Netherlands, $2,600,000.
RAF Chicksands, United Kingdom, $1,250,000.
RAF Croughton, United Kingdom, $900,000.
RAF Fairford, United Kingdom, $11,550,000.
Hahn Air Base, Germany, $5,770,000.
Incirlik Air Base, Turkey, $6,750,000 ($3,750,000).
RAF Lakenheath, United Kingdom, $3,620,000.
Memmingen Air Base, Germany, $2,000,000.
Pruem Air Station, Germany, $2,000,000.
Ramstein Air Base, Germany, $13,360,000.
San Vito Air Station, Italy, $390,000.
Sembach Air Base, Germany, $1,100,000.
Spangdahlem Air Base, Germany, $5,050,000.
RAF Welford, United Kingdom, $1,200,000.
Wenigerath Storage Site, Germany, $1,750,000.
RAF Wethersfield, United Kingdom, $1,300,000.
Zweibrucken Air Base, Germany, $4,500,000.

VARIOUS LOCATIONS

Base 89, $4,300,000.

SEC. 2132. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2135(a)(6)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

Holbrook, Arizona, thirty-four units, $2,530,000.
Clark Air Base, Philippines, three hundred units, $23,260,000.
RAF Bentwaters, United Kingdom, Family Housing Management Office, $330,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2135(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed $7,000,000.

SEC. 2133. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve, using amounts appropriated pursuant to section 2135(a)(6)(A), existing military family housing units in an amount not to exceed $132,800,000 ($110,000,000).

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following 101 STAT. 1198
installations, in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, twenty units, $758,000; fifty-six units, $2,710,000.
Elmendorf Air Force Base, Alaska, sixty-four units, $4,669,000.
Lowry Air Force Base, Colorado, one unit, $74,000.
Peterson Air Force Base, Colorado, six units, $363,000.
Eglin Auxiliary Airfield No. 9, Florida, one hundred and sixty-four units, $3,177,000.

MacDill Air Force Base, Florida, seven units, $556,000; one unit, $110,000.

Scott Air Force Base, Illinois, three units, $239,000.

Barksdale Air Force Base, Louisiana, one hundred and fourteen units, $5,342,000.

England Air Force Base, Louisiana, one hundred and six units, $3,465,000.

Andrews Air Force Base, Maryland, five units, $325,000.

Offutt Air Force Base, Nebraska, two hundred units, $8,122,000.

Pease Air Force Base, New Hampshire, two hundred units, $12,361,000.

McGuire Air Force Base, New Jersey, one hundred units, $4,263,000.

Plattsburgh Air Force Base, New York, twenty-nine units, $2,800,000.

Shaw Air Force Base, South Carolina, one hundred and twenty-five units, $4,385,000; one hundred and thirty-one units, $4,702,000.

Carswell Air Force Base, Texas, one hundred and thirty-six units, $7,904,000; one hundred fifty-five units, $9,100,000.

Kelly Air Force Base, Texas, eighteen units, $1,356,000.

Lackland Air Force Base, Texas, one unit, $46,000.

Randolph Air Force Base, Texas, five units, $400,000.

Langley Air Force Base, Virginia, seven units, $540,000.

Fairchild Air Force Base, Washington, two hundred and two units, $10,121,000.

Ramstein Air Base, Germany, eight units, $536,000; two hundred and forty units, $11,202,000; two hundred and eighty units, $16,990,000.

Kadena Air Base, Japan, eighty-two units, $4,143,000; four units, $407,000; one hundred and ninety-nine units, $12,177,000.

Yokota Air Base, Japan, ninety-five units, $5,061,000.

RAF Mildenhall, United Kingdom, two units, $183,000.

(c) WAIVER OF SPACE LIMITATION FOR GENERAL OFFICER'S QUARTERS.—(1) To support the United States Central Command (USCENTCOM), the Tactical Air Command (TAC), and the United States Transportation Command, the Secretary of the Air Force may, subject to the requirement of section 2103(c)(3), carry out family housing improvement projects to add to and alter existing family housing units and (notwithstanding section 2826(a) of title 10, United States Code) increase the net floor area of one family housing unit at Shaw Air Force Base, South Carolina, to not more than 2,600 square feet, and increase the net floor area of one family housing unit at MacDill Air Force Base, Florida, and three converted family housing units at Scott Air Force Base, Illinois, to not more than 3,000 square feet.

101 STAT. 1199

(2) For purposes of this subsection the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2134. DEFENSE ACCESS ROADS

The Secretary of the Air Force may, using funds appropriated pursuant to section 2135(a)(5), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at Havre Air Force Station, Montana, in an amount not to exceed $4,100,000.

SEC. 2135. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,109,703,000 ($2,002,813,000) as follows:

(1) For military construction projects inside the United States authorized by section 2131(a), $912,949,000 ($846,149,000).

(2) For military construction projects outside the United States authorized by section 2131(b), $198,005,000 ($180,715,000).

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $120,336,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $4,100,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $165,920,000 ($143,120,000); and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $692,393,000 of which not more than $8,818,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $68,024,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2353 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2131 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2136. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED

(a) IN GENERAL.—In addition to the military construction projects authorized under title III of the Military Construction Authorization Act, 1987 (Public Law 99-661), the Secretary of the Air Force may acquire real property and may carry out the following military construction projects in the following amounts which have been appropriated for such projects before the date of the enactment of this Act: 101 STAT. 1200

Goodfellow Air Force Base, Texas, Unaccompanied Officer Personnel Housing, $10,000,000.

Clark Air Base, Republic of Philippines, as follows:

(1) Aerospace systems branch, $1,050,000.

(2) Alter unaccompanied enlisted personnel housing, $1,850,000.

(3) Alter unaccompanied enlisted personnel housing, $3,150,000.

(4) Child care center, $2,000,000.

(5) COPE THUNDER operations facility, $4,650,000.

(6) Essential maintenance facility, phase II, $4,650,000.

(7) Fire station, $760,000.

(8) Petroleum operations facility, $1,600,000.

(9) Portomod warehouse, $460,000.

Blytheville Air Force Base, Arkansas, Gymnasium, $2,750,000.

(b) LIMITATION.—Notwithstanding the provisions of section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of the projects authorized by subsection (a) may not exceed the total amount authorized for such projects by such subsection.

SEC. 2137. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

Notwithstanding the provisions of section 603(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in sections 301 and 302 of that Act shall remain in effect until October 1, 1988, or

the date of the enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Cold Storage Facility, in the amount of $3,350,000 at Lowry Air Force Base, Colorado.

(2) Portomod Support in the amount of $300,000 at Kunsan Air Base, Korea.

(3) Portomod Support in the amount of $260,000 at Kwang-Ju Air Base, Korea.

(4) Portomod Support in the amount of $860,000 at Osan Air Base, Korea.

(5) TR-1 Ground Station in the amount of $4,500,000 at Base 30, at a location overseas.

(6) Chemical Warfare Protection—Avionics Shop in the amount of $1,450,000 at Camp New Amsterdam, The Netherlands.

(7) GEODSS—Composite Support Facility in the amount of $2,250,000 and a Spacetrack Observation Facility in the amount of $12,400,000 at GEODSS Site 5 in Portugal.

TITLE IV—DEFENSE AGENCIES

SEC. 2141. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

101 STAT. 1201

DEFENSE COMMUNICATION AGENCY

Naval Station, Anacostia, District of Columbia, $30,170,000 ($5,000,000).

DEFENSE INTELLIGENCE AGENCY

Bolling Air Force Base, District of Columbia, $805,000.

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Key West, Florida, $9,400,000.
Defense Depot, Memphis, Tennessee, $11,361,000.
Defense General Supply Center, Richmond, Virginia, $22,300,000.

DEFENSE MEDICAL FACILITIES OFFICE

Fort Wainwright, Alaska, $9,100,000.
Kings Bay, Georgia, $6,600,000.
Malmstrom Air Force Base, Montana, $16,500,000.
McGuire Air Force Base, New Jersey, $550,000.
Lackland Air Force Base, Texas, $1,350,000.
Langley Air Force Base, Virginia, $1,500,000.
Naval Station, Whidbey Island, Washington, $16,500,000 ($0).

DEFENSE NUCLEAR AGENCY

Field Command, Kirtland Air Force Base, New Mexico, $1,127,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOL

Hanscom Air Force Base, Massachusetts, $4,432,000.

NATIONAL DEFENSE UNIVERSITY

Fort McNair, District of Columbia, $5,000,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $8,450,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $25,386,000.
Classified Location, $43,148,000.

STRATEGIC DEFENSE INITIATIVE

Fort Monmouth, New Jersey, $3,450,000.
White Sands Missile Range, New Mexico, $3,180,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE COMMUNICATIONS AGENCY

Patch Barracks, Stuttgart, Germany, $1,030,000.
RAF Croughton, United Kingdom, $500,000.

101 STAT. 1202

DEFENSE MEDICAL FACILITIES OFFICE

Classified, $6,400,000.
Classified, $7,000,000.
Rheinberg, Germany, $2,250,000.
Iraklion Air Station, Greece, $340,000.
Naval Air Station, Sigonella, Italy, $20,000,000.
San Vito Air Station, Italy, $670,000.
Camp Lester, Japan, $1,400,000.
Misawa Air Base, Japan, $4,700,000.
Woensdrecht, The Netherlands, $360,000.
Subic Bay, Republic of the Philippines, $3,500,000.
Incirlik Air Base, Turkey, $15,260,000.
RAF Fairford, United Kingdom, $7,300,000.
RAF Wethersfield, United Kingdom, $740,000.
RAF Bentwaters, United Kingdom, $1,300,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $4,100,000.

DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS

Bitberg, Germany, $2,413,000.
Schweinfurt, Germany, $5,320,000.
Sembach, Germany, $2,930,000.
Spangdahlem, Germany, $7,300,000.
Stuttgart, Germany, $3,030,000.
Wuerzburg, Germany, $3,153,000.
San Miguel, Republic of the Philippines, $2,960,000.
Fort Buchanan, Puerto Rico, $1,200,000.
Incirlik Air Base, Turkey, $7,746,000.

NATIONAL SECURITY AGENCY

Classified, $15,000,000.

STRATEGIC DEFENSE INITIATIVE

Pacific Missile Range, Kwajalein, $16,565,000.

SEC. 2142. FAMILY HOUSING

The Secretary of Defense may construct or acquire four family housing units (including land acquisition), using amounts appropriated pursuant to section 2145(a)(10)(A), at classified locations in the total amount of $1,000,000.

SEC. 2143. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may improve, using amounts appropriated pursu-

ant to section 2145(a)(10)(A), existing military family housing units in an amount not to exceed $186,000.

SEC. 2144. DEFENSE ACCESS ROADS

The Secretary of Defense may, using funds appropriated pursuant to section 2145(a)(8), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at Brooke Army Medical Center, San
101 STAT. 1203 Antonio, Texas, in an amount not to exceed $8,600,000.

SEC. 2145. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $577,076,000 ($530,406,000) as follows:

(1) For military construction projects inside the United States authorized by section 2141(a), $220,309,000 ($178,639,000).

(2) For military construction projects outside the United States authorized by section 2141(b), $144,467,000.

(3) For military construction projects at Fort Meade, Maryland, authorized by section 101(a) of the Military Construction Authorization Act, 1986, $15,000,000.

(4) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, $86,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $9,200,000 ($6,000,000).

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $57,800,000 ($56,000,000).

(8) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $8,600,000.

(9) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), $5,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $1,186,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $19,514,000, of which not more than $15,188,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2141 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) PROJECT.—Of the amount appropriated pursuant to the authorization in subsection (a)(7), at least $2,000,000 shall be used for the planning and design of a bridge for route 32 over the Gladys Spellman Memorial Parkway providing access to the National Security Agency.

SEC. 2146. AUTHORIZATION OF PROJECT FOR WHICH APPROPRIATIONS HAVE BEEN MADE

In addition to the military construction projects authorized under title IV of the Military Construction Authorization Act, 1987 (Public Law 99-661), the Secretary of Defense may acquire real property and may carry out a military construction project for a medical

center clinic annex addition/alteration at Vandenberg Air Force Base, California, in the amount of $1,900,000 which has been appropriated for such project before the date of the enactment of this Act. 101 STAT. 1204

SEC. 2147. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF A FISCAL YEAR 1985 PROJECT.—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407), authorization for a Conforming Storage Facility in the amount of $1,950,000 at the Defense Property Disposal Office, Pearl Harbor Naval Shipyard, Hawaii, authorized in section 401 of that Act, and extended by section 2406 of the Military Construction Authorization Act, 1987 (Public Law 99-661), shall remain in effect until October 1, 1988, or the date of enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—(1) Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in section 401 of that Act shall remain in effect until October 1, 1988, or the date of enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later:

(A) Conforming Storage Facility in the amount of $1,390,000 at Defense Property Disposal Office, Anchorage, Alaska.

(B) Facility Rehabilitation in the amount of $1,320,000 at Defense Property Disposal Office, Alameda, California.

(C) Conforming Storage Facility in the amount of $825,000 at Defense Property Disposal Office, Barstow, California.

(D) Conforming Storage Facility in the amount of $625,000 at Defense Property Disposal Office, Groton, Connecticut.

(E) Fire Protection in the amount of $1,040,000 at Defense Fuel Support Point, Newington, New Hampshire.

(F) Steam Distribution System in the amount of $510,000 at Defense Depot, Ogden, Utah.

(G) Covered Storage in the amount of $1,020,000 at F.E. Warren Air Force Base, Cheyenne, Wyoming.

(2) Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), the authorization for the Elementary and High School in the amount of $7,080,000 at Florennes, Belgium, authorized in section 402 of such Act shall remain in effect until October 1, 1988, or the date of enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later.

SEC. 2148. BROOKE ARMY MEDICAL CENTER

(a) INCREASE IN PROJECT AMOUNT.—(1) Section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), is amended by striking out "$135,000,000" in the item relating to Fort Sam Houston, Texas under the heading relating to Defense Medical Facilities Office and inserting in lieu thereof "$241,000,000".

(2) The limitation on the total cost of projects carried out under section 2401 of such Act shall be increased by $106,000,000.

(b) REPORT.—Not later than March 1, 1988, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing— 101 STAT. 1205

(1) a cost estimate for the construction of the medical facility at Brooke Army Medical Center, San Antonio, Texas, authorized by section 2401 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), with space for 450 beds;

(2) a cost estimate for the construction of such medical facility with space for 200 beds and an estimate of the costs likely to be incurred as a result of the transfer of services from Brooke Army Medical Center to Wilford Hall Air Force Hospital; and

(3) a cost estimate of the expansion of such medical facility from 200 to 450 beds.

SEC. 2149. CONFORMING STORAGE FACILITIES

100 Stat. 4037

Subsection (a) of section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), is amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for fiscal year 1987 pursuant to the authorization in section 2405(a) of this Act and not more than $5,000,000 appropriated for fiscal year 1988 pursuant to the authorization in section 2145(a) of the Military Construction Authorization Act, 1988 and 1989, carry out military construction projects not otherwise authorized by law for the construction of conforming storage facilities.".

SEC. 2150. CONSTRUCTION OF A NATIONAL TEST FACILITY FOR THE STRATEGIC DEFENSE INITIATIVE

Of the funds appropriated to the Department of Defense pursuant to section 201 for research, development, test, and evaluation for fiscal year 1988 in connection with the Strategic Defense Initiative program, not more than $70,000,000 may be used for the planning and construction of a National Test Facility for the Strategic Defense Initiative at Falcon Air Force Base, Colorado.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2151. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2152 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2152. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2151, in the amount of $386,000,000.

101 STAT. 1206

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2161. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

There are authorized to be appropriated for fiscal years beginning after September 30, 1987, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $177,289,000; and

(B) for the Army Reserve, $88,100,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $68,737,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $141,091,000; and

(B) for the Air Force Reserve, $74,300,000.

TITLE VII—EXPIRATION OF AUTHORIZATIONS

SEC. 2171. EXPIRATION OF AUTHORIZATIONS

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles I through V of this subdivision for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1989, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1990, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1989, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1990, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

Subdivision 2—Fiscal Year 1989

TITLE I—ARMY

SEC. 2201. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects at Fort Wainwright, Alaska, in the amount of $28,100,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects at Vilseck, Germany, in the amount of $13,000,000.

101 STAT. 1207

SEC. 2202. FAMILY HOUSING

(a) IN GENERAL.—The Secretary of the Army may construct or acquire one hundred and twenty-eight family housing units (including land acquisition) at Fort Drum, New York, in the amount of $10,000,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2204(a)(5)(A), with respect to the construction or improvement of military family housing units not to exceed $20,000,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may improve, using amounts appropriated pursuant to section 2204(a)(5)(A), existing military family housing units in an amount not to exceed $145,968,000 of which $1,916,000 is available only for energy conservation projects.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Pearl Harbor, Hawaii, eight units, $550,000.

Giessen, Germany, seventy-two units, $3,314,000.
Various Locations, Germany, convert unused attic space and upgrade two hundred forty-two units into six hundred twenty-one adequate units, $44,026,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,733,069,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $28,100,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $13,000,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $126,710,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $175,968,000;

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,371,091,000, of which not more than $46,498,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $163,842,000 may be obligated or expended for the leasing of military family housing units in foreign countries; and

101 STAT. 1208

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $2,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE II—NAVY

SEC. 2221. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

CHIEF OF NAVAL OPERATIONS

Commandant, Naval District Washington, District of Columbia, $21,000,000.
Naval Air Detachment, Tinker Air Force Base, Oklahoma, $38,080,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Galveston, Texas, $10,390,000.
Naval Station, Ingleside, Texas, $31,850,000.
Naval Station, Lake Charles, Louisiana, $5,000,000.
Naval Station, Mobile, Alabama, $19,700,000.
Naval Station, New York, New York, $10,480,000.
Naval Station, Pascagoula, Mississippi, $25,700,000.
Naval Air Station, Pensacola, Florida, $14,320,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Adak, Alaska, $20,000,000.
Naval Station, Everett, Washington, $52,950,000.
Naval Station, Long Beach, California, $5,460,000.

NAVAL SEA SYSTEMS COMMAND

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $8,200,000.
Naval Weapons Station, Earle, New Jersey, $18,600,000.

STRATEGIC SYSTEMS PROJECT OFFICE

Naval Submarine Base, Kings Bay, Georgia, $57,730,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects at the Naval Station, Guam, in an amount not to exceed $2,820,000.

SEC. 2222. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may construct or acquire 300 family housing units (including land acquisition), using amounts appropriated pursuant to section 2224(a)(5)(A), at the Public Works Center, San Diego, California. 101 STAT. 1209

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2224(a)(5)(A), with respect to the construction or improvement of military family housing units not to exceed $6,315,000.

SEC. 2223. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve, using amounts appropriated pursuant to section 2224(a)(5)(A), existing military family housing units in the amount of $59,689,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Navy Public Works Center, San Diego, California, six units, $284,400.
Navy Public Works Center, Great Lakes, Illinois, three hundred fifty-six units, $14,207,800.
Navy Public Works Center, Great Lakes, Illinois, one hundred two units, $4,725,500.
Naval Air Station, Brunswick, Maine, two hundred twenty-four units, $8,130,500.
Naval Security Group Activity, Winter Harbor, Maine, thirty-two units, $2,251,700.
Naval Security Group Activity, Winter Harbor, Maine, thirty units, $2,920,600.
Naval Security Group Activity, Winter Harbor, Maine, twenty units, $920,000.
Naval Air Station, Fallon, Nevada, one hundred six units, $8,129,300.
Naval Air Engineering Center, Lakehurst, New Jersey, four units, $190,000.
Marine Corps Air Station, Cherry Point, North Carolina, two units, $94,300.
Marine Corps Air Station, Cherry Point, North Carolina, two hundred eighty-two units, $11,957,200.
Naval Ships Part Control Center, Mechanicsburg, Pennsylvania, seventy-five units, $3,398,400.

Naval Air Station, Whidbey Island, Seattle, Washington, eleven units, $632,600.

Navy Public Works Center, Guam, two hundred twelve units, $18,473,800.

SEC. 2224. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,144,984,000 as follows:

101 STAT. 1210

(1) For military construction projects inside the United States authorized by section 2221(a), $339,460,000.

(2) For military construction projects outside the United States authorized by section 2221(b), $2,820,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,300,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $147,333,000.

(5) For military housing functions—

(A) for construction and acquisition of military family housing and facilities, $91,004,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $548,067,000 of which not more than $18,434,000 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam; and not more than $23,982,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2221 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE III—AIR FORCE

SEC. 2231. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $6,500,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Alaska, $18,000,000.

STRATEGIC AIR COMMAND

Base 61, $10,450,000.
Dyess Air Force Base, Texas, $1,410,000.
Ellsworth Air Force Base, South Dakota, $1,300,000.
Fairchild Air Force Base, Washington, $4,700,000.
Grand Forks Air Force Base, North Dakota, $3,400,000.
Malmstrom Air Force Base, Montana, $8,550,000.
McConnell Air Force Base, Kansas, $3,050,000.

Whiteman Air Force Base, Missouri, $106,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States: 101 STAT. 1211

PACIFIC AIR FORCES

Clark Air Base, Philippines, $2,450,000.
Kunsan Air Base, Korea, $3,000,000.

TACTICAL AIR COMMAND

Masirah, Oman, $2,850,000.
Seeb, Oman, $7,300,000.

SEC. 2232. FAMILY HOUSING

The Secretary of the Air Force may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2234(a)(5)(A), with respect to the construction or improvement of military family housing units not to exceed $7,000,000.

SEC. 2233. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve, using amounts appropriated pursuant to section 2234(a)(5)(A), existing military family housing units in an amount not to exceed $165,280,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations, in the number of units shown, and in the amount shown, for each installation:

Gunter Air Force Station, Alabama, twenty-three units, $1,111,000.
Maxwell Air Force Base, Alabama, fifty units, $2,475,000.
Elmendorf Air Force Base, Alaska, forty-eight units, $3,624,000.
Davis-Monthan Air Force Base, Arizona, one unit, $60,000.
MacDill Air Force Base, Florida, four units, $279,000.
Barksdale Air Force Base, Louisiana, two units, $170,000; one hundred and seventy-four units, $8,435,000.
Andrews Air Force Base, Maryland, five units, $338,000.
Pease Air Force Base, New Hampshire, one unit, $56,000.
Kirtland Air Force Base, New Mexico, four units, $215,000.
Shaw Air Force Base, South Carolina, one hundred and twenty-five units, $4,710,000.
Dyess Air Force Base, Texas, one unit, $64,000.
Ramstein Air Base, Germany, two hundred and forty units, $11,829,000.
Andersen Air Force Base, Guam, one unit, $167,000.
Misawa Air Base, Japan, one hundred and eighty units, $7,125,000.
Yokota Air Base, Japan, ninety-seven units, $5,200,000.
Clark Air Base, Philippines, eighty-two units, $1,739,000.

SEC. 2234. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,231,213,000 as follows: 101 STAT. 1212

(1) For military construction projects inside the United States authorized by section 2231(a), $163,360,000.

(2) For military construction projects outside the United States authorized by section 2231(b), $15,600,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $135,733,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $172,280,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $727,740,000 of which not more than $21,795,100 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $85,747,900 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2858 of title 10, United States Code, or any other cost variations authorized by law, the total cost of all projects carried out under section 2231 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE IV—DEFENSE AGENCIES

SEC. 2241. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may acquire real property and may carry out military construction projects at Kirtland Air Force Base, New Mexico, in the amount of $2,550,000.

SEC. 2242. IMPROVEMENTS TO MILITARY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may improve, using amounts appropriated pursuant to section 2243(a)(5)(A), existing military family housing units in an amount not to exceed $112,000.

SEC. 2243. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $169,250,000 as follows:

(1) For military construction projects inside the United States authorized by section 2241, $2,550,000.

(2) For military construction projects at Fort Sam Houston, Texas, authorized by section 2403(a) of the Military Construction Authorization Act, 1987, $23,000,000.

(3) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, $59,000,000.

101 STAT. 1213

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $65,100,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $112,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $19,488,000, of which not more than $14,027,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2858 of title

10, United States Code, or any other cost variations authorized by law, the total cost of all projects carried out under section 2241 may not exceed the total amount authorized to be appropriated under paragraph (1) of subsection (a).

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2251. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2252 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2252. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2251, in the amount of $402,100,000.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2261. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

There are authorized to be appropriated for fiscal years beginning after September 30, 1988, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $168,672,000; and

(B) for the Army Reserve, $100,000,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $52,923,000.

(3) For the Department of the Air Force— 101 STAT. 1214

(A) for the Air National Guard of the United States, $134,550,000; and

(B) for the Air Force Reserve, $55,900,000.

TITLE VII—EXPIRATION OF AUTHORIZATIONS AND EFFECTIVE DATE

SEC. 2271. EXPIRATION OF AUTHORIZATIONS OF PROJECTS AND APPROPRIATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 1988

(a) IN GENERAL.—Authorizations of military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure Program, and Guard and Reserve projects in titles I, II, III, IV, V, and VI of this subdivision (and authorizations of appropriations therefor) shall be effective only to the extent that appropriations are made for such projects, acquisition, facilities, and contributions during the first session of the One Hundredth Congress.

(b) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS IN CERTAIN CASES.—(1) Except as provided in subsection (a) and paragraph (2), authorizations contained in titles I, II, III, IV, and V of this subdivision for military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure

Program, and Guard and Reserve projects shall remain in effect (to the extent that appropriations are made for such projects, acquisitions, facilities, and contributions during the first session of the One Hundredth Congress) until October 1, 1990, or the date of the enactment of a Military Construction Authorization Act for fiscal year 1991, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure Program, and Guard and Reserve projects for which appropriated funds have been obligated before October 1, 1990, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1991, whichever is later.

SEC. 2272. EFFECTIVE DATE

This subdivision shall take effect on October 1, 1988, except that the authorizations of appropriations contained therein shall take effect on the date of the enactment of this Act.

Subdivision 3—General Provisions

TITLE I—MILITARY CONSTRUCTION PROGRAM CHANGES

SEC. 2301. TURN-KEY SELECTION PROCEDURES FOR DEFENSE AGENCIES

Section 2862 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "The Secretaries of the military departments, with the approval of the Secretary of Defense," and inserting in lieu thereof "The Secretary concerned", and

(B) by adding at the end the following new sentence: "Such procedures may be used by the Secretary of a military department only with the approval of the Secretary of Defense."; and

101 STAT. 1215

(2) in subsection (b), by inserting after "The" the following: "Secretary of Defense, with respect to any Defense Agency, or the".

SEC. 2302. LONG-TERM FACILITIES CONTRACTS

(a) NEW COVERAGE.—Section 2809(a)(1)(B) of title 10, United States Code, is amended—

(1) by redesignating clause (vi) as clause (vii); and

(2) by adding after clause (v) the following new clause:

"(vi) Hospital or medical facilities.".

(b) EXTENSION.—Section 2809(c) of such title is amended by striking out "1987" and inserting in lieu thereof "1989".

10 USC 2809 note.

(c) REPORT.—Each Secretary who has entered into a contract under section 2809 of title 10, United States Code, shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives by February 15, 1989, containing—

(1) the date and duration of, the other party to, and the nature of the activities carried out under each contract entered into by the Secretary under such section; and

(2) recommendations, and the reasons therefor, concerning whether the authority to enter into contracts under such section should be extended.

10 USC 2863.

SEC. 2303. SETTLEMENT OF CONTRACTOR CLAIMS

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter III the following new section:

"§ 2863. Payment of contractor claims

"Notwithstanding any other provision of law, the Secretary concerned may pay meritorious contractor claims that arise under

military construction contracts or family housing contracts. The Secretary of Defense, with respect to a Defense Agency, or the Secretary of a military department may use for such purpose any unobligated funds appropriated to such department and available for military construction or family housing construction, as the case may be.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item: 10 USC 2233a note.

"2863. Payment of contractor claims.".

SEC. 2304. GUARD AND RESERVE MINOR CONSTRUCTION

(a) IN GENERAL.—Section 2233a(b) of title 10, United States Code, is amended by striking out "$100,000" and inserting in lieu thereof "$200,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to projects authorized under section 2233(a) of title 10, United States Code, for which contracts are entered into on or after the date of the enactment of this Act.

SEC. 2305. FAMILY HOUSING IMPROVEMENT THRESHOLD

Section 2825(b)(1) of title 10, United States Code, is amended by striking out "$30,000" and inserting in lieu thereof "$40,000". 101 STAT. 1216

SEC. 2306. FAMILY HOUSING LEASING WITHIN THE UNITED STATES

(a) IN GENERAL.—Section 2828(g) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after "military department" the following: ", or the Secretary of Transportation with respect to the Coast Guard,"; and

(B) by inserting "or rehabilitated to residential use" after "constructed";

(2) in paragraph (7), by inserting after "military department" the following: ", or the Secretary of Transportation with respect to the Coast Guard,"; and

(3) by adding at the end of paragraph (8) the following new subparagraph:

"(C) In addition to the contracts authorized by paragraph (7) and subparagraphs (A) and (B) of this paragraph— Contracts.

"(i) the Secretary of the Army may enter into one or more contracts under this subsection for not more than a total of 3,500 family housing units;

"(ii) the Secretary of the Navy may enter into one or more contracts under this subsection for not more than a total of 2,000 family housing units;

"(iii) the Secretary of the Air Force may enter into one or more contracts under this subsection for not more than a total of 2,100 family housing units; and

"(iv) the Secretary of Transportation, for the Coast Guard, may enter into one or more contracts under this subsection for not more than a total of 300 family housing units."; and

(4) in paragraph (9), by striking out "September 30, 1988." and inserting in lieu thereof "September 30, 1989.".

(b) CONFORMING AMENDMENT.—Section 2801(d) of such title, as amended by section 632(b)(1) of this Act, is amended by striking out "section" after "other than" and inserting in lieu thereof "sections 2828(g) and".

SEC. 2307. FAMILY HOUSING RENTAL GUARANTEE PROGRAM

Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) in subsection (a)—

(A) by inserting after " military department," the following: "or the Secretary of Transportation with respect to the Coast Guard,"; and

(B) by inserting after "constructed" the following: "or rehabilitated to residential use";

(2) in subsection (b)(3), by striking out "not";

(3) in subsection (b)(6), by inserting before the semicolon "unless the project is located on government owned land, in which case the renewal period may not exceed the original contract term"; and

(4) in subsection (b)(11), by inserting after "military department concerned," the following: "or the Secretary of Transportation with respect to the Coast Guard,".

SEC. 2308. NO-COST ACQUISITION OF FAMILY HOUSING

Section 2822(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

101 STAT. 1217

"(4) Housing units acquired without consideration, if—

"(A) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed acquisition; and

"(B) a period of 21 days elapses after the notification is received by those committees.".

SEC. 2309. COST THRESHOLD FOR INDIVIDUAL UNITS AND MAXIMUM NUMBER OF UNITS LEASED IN FOREIGN COUNTRIES

(a) IN GENERAL.—Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "$16,800" and inserting in lieu thereof "$20,000 per unit per annum"; and

(2) in paragraph (2), by striking out "32,000" and inserting in lieu thereof "36,000".

(b) TECHNICAL AMENDMENTS.—Section 2828(b) of such title is amended—

(1) by inserting "per unit per annum" in paragraph (2) before the period; and

(2) by striking out "$10,000" and "$12,000" in paragraph (3)(A) and inserting in lieu thereof "$10,000 per unit per annum" and "$12,000 per unit per annum", respectively.

SEC. 2310. MINOR CONSTRUCTION OUTSIDE THE UNITED STATES

(a) IN GENERAL.—Section 2805(c) of title 10, United States Code, is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end the following new paragraph:

"(2) The authority provided in paragraph (1) may not be used with respect to any exercise-related unspecified military construction project coordinated or directed by the Joint Chiefs of Staff outside the United States.".

(b) ADDITIONAL LIMITATION.—Section 2805(a) of such title is amended—

(1) by striking out "Within" and inserting in lieu thereof "(1) Except as provided in paragraph (2), within"; and

(2) by adding at the end the following new paragraph:

"(2) A Secretary may not use more than $5,000,000 for exercise-related unspecified minor military construction projects coordinated or directed by the Joint Chiefs of Staff outside the United States during any fiscal year.".

SEC. 2311. COST THRESHOLD FOR MULTIPLE UNITS

Section 2828(f) of title 10, United States Code, is amended by striking out "$250,000" and inserting in lieu thereof "$500,000".

SEC. 2312. COST VARIATIONS

Paragraph (1) of section 2853(a) of title 10, United States Code, is amended by striking out "Except as" and all that follows through

"appropriated for the project" and inserting in lieu thereof the following: "Except as provided in paragraph (2), the total cost authorized for military construction projects at an installation (including each project the cost of which is included in such total authorized cost and is less than the minor project ceiling) may be increased by not more than 25 percent of the total amount appropriated for such projects".

101 STAT. 1218

SEC. 2313. FAMILY HOUSING IMPROVEMENTS

Section 2853(c) of title 10, United States Code, is amended by striking out "construction" and inserting in lieu thereof "construction, improvement,".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 2321. PILOT PROGRAM FOR MILITARY FAMILY HOUSING

State and local governments. 10 USC 2821 note.

(a) IN GENERAL.—(1) The Secretary of Defense shall, using $1,000,000 of the funds appropriated pursuant to the authorization in subsection (a)(10)(B) of section 2145, establish and carry out, during fiscal years 1988, 1989, and 1990, a pilot program for the purpose of assisting units of general local government to increase the amount of affordable family housing available to military personnel.

(2) In establishing and carrying out such program, the Secretary shall select at least five units of general local government which are severely impacted by the presence of military bases and personnel and which meet the criteria in subsection (b).

(b) SELECTION CRITERIA.—The Secretary shall select such local governments on the basis of the following criteria:

(1) The extent, or the potential extent, of a joint civilian-military effort to increase, or prevent the decrease of, affordable housing units in the community served by the local government.

(2) The extent of willingness, or potential extent of willingness, of private corporations to contribute or loan money for the purpose of assisting in the effort described in paragraph (1).

(3) A commitment by the local government to assure that a reasonable proportion, taking into consideration the extent of Federal funding, of the housing units provided as a result of the effort described in paragraph (1) will be made available to military personnel.

(c) TYPES OF ASSISTANCE.—In carrying out this section, the Secretary may make grants, enter into cooperative agreements, and supplement funds made available under Federal programs administered by agencies other than the Department of Defense in order to assist units of general local government and housing and redevelopment authorities and nonprofit housing corporations authorized by such local governments. Grants.

(d) USE OF FUNDING.—To expand the supply or prevent the loss of affordable family housing, funds made available under this section may be used for—

(1) funding a revolving housing loan fund established and administered by a government, authority, or corporation described in subsection (c); Loans.

(2) funding a housing loan guarantee fund established and administered by such a government, authority, or corporation to ensure repayment of housing loans made by a private lender;

(3) funding feasibility studies of potential housing programs;

(4) funding one-time start-up costs of housing programs;

(5) funding joint community-military technical advisory organizations; and

(6) other similar and related activities.

(e) REPORT.—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of

101 STAT. 1219

Representatives no later than March 15 of 1988, 1989, 1990, and 1991 with respect to activities carried out under this section.

SEC. 2322. RESTRICTIONS ON USE OF CERTAIN FUNDING

(a) NELLIS AIR FORCE BASE, NEVADA.—None of the funds available for use by the Department of Defense in fiscal year 1988 may be used, directly or indirectly, to deactivate, convert, transfer, or otherwise diminish any part of the 474th Tactical Fighter Wing stationed at Nellis Air Force Base, Nevada.

(b) FORT MONMOUTH, NEW JERSEY.—None of the funds available for use by the Department of Defense in fiscal year 1988 may be used, directly or indirectly, to relocate the headquarters element and the elements of the several directorates of the Joint Tactical Command, Control, and Communications Agency at Fort Monmouth, New Jersey.

Washington.

(c) STRATEGIC HOMEPORTING.—(1) Funds appropriated pursuant to the authorizations in section 2208 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), and in section 2125 of this Act for Naval Station Everett, Washington, may not be obligated or expended for such purpose until—

(A) all Federal, State, and local permits required for the dredging activities to be carried out with respect to homeporting at Everett, Washington, have been issued, including all permits required pursuant to, or otherwise in connection with, the Federal Water Pollution Control Act; and

(B) the State of Washington has appropriated in fiscal year 1987 its share of funds for fiscal years 1988 and 1989 for all projects agreed with by the Department of the Navy for homeporting at Everett, Washington.

(2) The provisions of this subsection shall apply to any activity carried out after November 14, 1986.

California.

(d) PORT CHICAGO HIGHWAY.—None of the funds available for use by the Department of Defense in fiscal year 1988 may be used by the Department of Defense, directly or indirectly, before January 1, 1988, to take, or condemn, or close, any portion of the Port Chicago Highway which lies within the Concord Naval Weapons Station in Concord, California.

Michigan.

(e) AIR DEFENSE RADAR STATIONS.—None of the funds available for use by the Department of Defense in fiscal year 1988 (other than funds made available by the Office of Economic Adjustment) may be used, directly or indirectly, to deactivate, convert, transfer, or otherwise diminish the air defense radar stations located at Calumet Air Force Station, Michigan, or Port Austin Air Force Station, Michigan.

SEC. 2323. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM

(a) IN GENERAL.—Except as provided in subsection (b), funds appropriated pursuant to any authorization made by this division may not be expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

Reports.

(b) EXCEPTION.—In any case in which there is no acceptable bid made in response to a solicitation by the Secretary of a military department for bids on a contract for a military construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the end of the 21-day period beginning on the date on which the Secretary concerned transmits a report concerning such contract to the Committees on Armed Services of the Senate and the House of Representatives.

101 STAT. 1220

(c) EFFECTIVE DATE.—This section shall apply only to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

SEC. 2324. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may use the following amounts to provide planning assistance to local communities located near the following homeports proposed under the Naval Strategic Dispersal Program if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate:

(1) not more than $250,000 from funds appropriated to the Department of Defense for fiscal year 1988 for local communities located near the homeport at Everett, Washington; and

(2) not more than $300,000 from funds appropriated to the Department of Defense for fiscal year 1988 and not more than $300,000 from funds appropriated to the Department of Defense for fiscal year 1989 pursuant to authorizations contained in this division for local communities located near Gulf Coast homeports.

SEC. 2325. DISPOSITION OF REAL PROPERTY AT AIR FORCE MISSILE SITES

(a) IN GENERAL.—Chapter 949 of title 10, United States Code, is amended by adding at the end the following:

"§ 9781. Disposition of real property at missile sites

10 USC 9781.

"(a)(1) The Secretary of the Air Force shall dispose of the interest of the United States in any tract of real property described in paragraph (2) or in any easement held in connection with any such tract of real property only as provided in this section.

"(2) The real property referred to in paragraph (1) is any tract of land (including improvements thereon) owned by the Air Force that—

"(A) is not required for the needs of the Air Force and the discharge of the responsibilities of the Air Force, as determined by the Secretary of the Air Force;

"(B) does not exceed 25 acres;

"(C) was used by the Air Force as a site for one or more missile launch facilities, missile launch control buildings, or other facilities to support missile launch operations; and

"(D) is surrounded by lands that are adjacent to such tract and that are owned in fee simple by one owner or by more than one owner jointly, in common, or by the entirety.

"(b) The Secretary shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons who, with respect to such tract of land, own lands referred to in paragraph (2)(D) of such subsection and are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Secretary shall transmit a notice of the availability of such interest to each such person.

101 STAT. 1221

"(c) The Secretary shall determine the fair market value of the interest of the United States to be conveyed under this section.

"(d) The requirement to determine whether any tract of land described in subsection (a)(2) is excess property or surplus property under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) before disposing of such tract shall not be applicable to the disposition of such tract under this section.

"(e) The disposition of a tract of land under this section to any person shall be subject to (1) any easement retained by the Secretary with respect to such tract, and (2) such additional terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States.

"(f) The exact acreage and legal description of any tract of land to be conveyed under this section shall be determined in any manner that is satisfactory to the Secretary. The cost of any survey con-

ducted for the purpose of this subsection in the case of any tract of land shall be borne by the person or persons to whom the conveyance of such tract of land is made.

"(g) If any real property interest of the United States described in subsection (a) is not purchased under the procedures provided in subsections (a) through (f), such tract may be disposed of only in accordance with the Federal Property and Administrative Services Act of 1949.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 949 of such title is amended by adding at the end the following:

"9781. Disposition of real property at missile sites.".

Indians.
Claims.

SEC. 2326. TULALIP TRIBES, WASHINGTON

(a) IN GENERAL.—(1) The Secretary of the Navy may pay, as provided in this section, to the Tulalip Indian Tribes of the State of Washington the sum of $3,400,000. Any payment made under this section shall be made out of funds appropriated to or for the use of the Navy pursuant to section 2125(a)(1).

Fish and fishing.

(2) Payment under this section shall be made in accordance with the Memorandum of Agreement dated July 22, 1987, between the United States and the Tulalip Tribes of Washington, and shall be in full settlement of the claims of such tribes for loss of access to and displacement from usual and accustomed fishing grounds and stations resulting from the construction and operation of Navy homeport facilities at Everett, Washington, and to support tribal resource enhancement efforts.

(b) CONDITION OF SETTLEMENT.—(1) Payment in final settlement of the tribal claims may not be made until the Secretary of the Navy has obtained from the Tulalip Tribes a release under which the tribes waive all claims against the United States—

(A) for displacement from the homeport site during any period the site is owned by the United States; and

(B) for additional displacement resulting from homeport construction-related activities at Port Gardner, Washington, as provided in the Memorandum of Agreement referred to in subsection (a)(2).

(2) The release referred to in paragraph (1) shall also waive any
101 STAT. 1222 claims the Tulalip Tribes may have against the United States or any successor in interest for loss of access resulting from the construction of permanent structures in connection with homeport facilities at Everett, Washington.

Fish and fishing.

(c) PROTECTION OF RESERVED RIGHTS.—Nothing in this section shall be construed to diminish any rights reserved to the Tulalip Tribes in the Memorandum of Understanding referred to in subsection (a)(2) with respect to claims that may arise from Navy-induced damages to fish habitat and other resources.

TITLE III—REAL PROPERTY TRANSACTIONS

Health care facilities.
Diseases.

SEC. 2331. LEASE OF PROPERTY, SAN FRANCISCO, CALIFORNIA

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Army shall lease, without consideration, the former Public Health Service facility located on the Presidio of San Francisco, California, to the City and County of San Francisco for use as a facility for the care and treatment of persons with acquired immune deficiency syndrome (AIDS) or acquired immune deficiency syndrome related complex (ARC).

(b) TERMS OF LEASE.—In entering into the lease under this section, the Secretary—

(1) shall provide for a term of ten years beginning no later than January 1, 1989;

(2) shall provide that, in the event that the facility described in subsection (a) ceases to be used by the City and County of San Francisco for the purpose described in such subsection, the

Secretary shall have the right of immediate reentry and the lease shall be automatically terminated; and

(3) may require other terms and conditions necessary to protect the interests of the United States.

(c) AUTHORIZATION.—The Secretary may use not more than $1,900,000 of funds available to the Department of the Army for operation and maintenance during fiscal year 1988 for the purpose of leasing space and otherwise relocating personnel and equipment related to the activities being carried out at the facility on the date of the enactment of this Act.

(d) REPORTS.—(1) The Secretary shall transmit, by March 1, 1988, to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) an analysis of the reasonable options available for the relocation of activities necessary as a result of the lease of the facility under this section, including the impact of each such option on the operations and resources of the Department of the Army; and

(B) a detailed description of the preferred relocation plan, including a resource profile for all associated expenses and, in the case of any construction project associated with such relocation plan, a description of each such project and the anticipated timing of the obligation of funds for each such project.

(2)(A) The City and County of San Francisco is requested to transmit, before March 1, 1988, a report to the committees described in paragraph (1) containing—

(i) projections of the anticipated number of patients with AIDS or ARC who will need nursing care in the City and County of San Francisco over the period of the lease entered into under this section;

101 STAT. 1223

(ii) different approaches to meeting this need for nursing care;

(iii) the rationale for using the facility described in subsection (a) to meet this need; and

(iv) its financial plan for renovating and operating such facility.

(B) The Secretary may not enter into a lease under this section before the report described in subparagraph (A) has been received by the committees described in paragraph (1).

SEC. 2332. SALE OF LAND AND REPLACEMENT OF CERTAIN FACILITIES, KAPALAMA MILITARY RESERVATION, HAWAII

(a) IN GENERAL.—Subject to subsections (b) through (g), the Secretary of the Army may convey approximately 43.72 acres of real property, together with improvements thereon, at Kapalama Military Reservation, Hawaii, and may replace and relocate facilities located on such property.

(b) CONSIDERATION.—In consideration for the real property described in subsection (a), the purchasers of such property shall pay the United States—

(1) in a manner determined by the Secretary, for the cost of the design and construction of suitable replacement facilities to be constructed at Fort Shafter, Fort Kamehameha, Tripler Army Medical Center, and Schofield Barracks, Hawaii;

(2) for any cost incurred by the Department of the Army under this section with respect to the relocation of facilities; and

(3) the amount of any difference referred to in subsection (d).

(c) SALE AND REPLACEMENT ACTIVITIES.—The Secretary may use any amount received from the purchaser as described in paragraphs (1) and (2) of subsection (b) for the purpose of carrying out this section.

(d) PAYMENT OF EXCESS INTO TREASURY.—If the fair market value of the real property and improvements described in subsection (a) exceeds the costs described in paragraphs (1) and (2) of subsection (b), as determined by the Secretary, the purchaser shall pay the

amount of such difference to the Secretary, and the Secretary shall deposit such amount into the Treasury as miscellaneous receipts.

(e) COMPETITIVE BID PROCEDURES.—The conveyance described in subsection (a) shall be carried out under competitive bid procedures.

(f) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2333. LAND CONVEYANCE, LAWRENCE TOWNSHIP, INDIANA

(a) AUTHORITY TO SELL.—Subject to subsections (b) through (e), the Secretary of the Army may sell and convey to Lawrence Township, Marion County, Indiana all right, title, and interest of the United States in and to a parcel of land, consisting of approximately 3.23 acres, comprising a portion of Fort Benjamin Harrison, Indiana.

(b) CONDITIONS OF SALE.—(1) In consideration for the sale and conveyance, the Township shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

101 STAT. 1224

(2) The Township shall execute and file the deed of conveyance in the appropriate registry.

(c) RECAPTURE RIGHTS.—The Secretary shall include in the deed of conveyance a condition that the United States may reenter and use the property without compensation in the event of a national emergency or declaration of war.

(d) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Township.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2334. LAND TRANSFERS: ROCK ISLAND, ILLINOIS, AND FORT SAM HOUSTON, TEXAS

(a) AUTHORITY TO TRANSFER.—Subject to subsections (b) through (d), the Secretary of the Army may transfer, without consideration, to the administrative jurisdiction of the Administrator of Veterans' Affairs—

(1) two parcels of real property, and improvements thereon, totaling approximately 17.17 acres, comprising a portion of the Rock Island Arsenal, Rock Island, Illinois; and

(2) a parcel of real property, and improvements thereon, totaling approximately 8.5 acres, comprising a portion of Fort Sam Houston, Texas.

Cemeteries

(b) CONDITIONS ON CONVEYANCE.—The Administrator shall—

(1) use the real property described in subsection (a) for cemeteries which are to be part of the National Cemetery System;

(2) transfer any portion of such property back to the administrative jurisdiction of the Secretary of the Army, if such portion is not used for such a cemetery; and

(3) enter into an agreement with the Secretary to carry out the purposes of this section.

(c) LEGAL DESCRIPTION AND SURVEYS.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the Administrator.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2335. PROPERTY TRANSFER, BROOKLYN, NEW YORK

In accordance with the provisions of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) governing transfers of excess property, the Administrator of General Services shall transfer, without reimbursement, to the Secretary of the Navy the excess six story building and associated land, known as Dayton Manor, located near Fort Hamilton, Brooklyn, New York, for rehabilitation and use as military family housing.

SEC. 2336. LAND EXCHANGE, ORANGE COUNTY, CALIFORNIA

(a) TRANSFER.—Subject to subsections (b) through (e), the Secretary of the Navy may convey to Orange County, California, all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon, consisting of approxi- 101 STAT. 1225
mately 137 acres located in the center of Mile Square Regional Park, Orange County, California.

(b) CONSIDERATION.—In consideration for the conveyance by the Secretary under subsection (a), Orange County shall convey to the United States parcels of real property, with improvements thereon, consisting of approximately 41 total acres located adjacent to the Marine Corps Air Station, Tustin, California.

(c) PAYMENT BY COUNTY.—If the fair market value of the real property and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the real property conveyed by Orange County under subsection (b), the county shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(d) OBLIGATIONS OF PARTIES.—The exact acreages and legal descriptions of the real property to be conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by Orange County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2337. TRANSFER OF LAND, JOLIET ARMY AMMUNITION PLANT, ILLINOIS

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) through (d), the Secretary of the Army shall transfer to the Administrator of Veterans' Affairs not less than 200 acres of real property, including improvements thereon, located on the Joliet Army Ammunition Plant, Illinois, and with access to State Route 53.

(b) USE OF LAND.—(1) The Administrator shall use the real property transferred under subsection (a) for a national cemetery. Cemeteries.

(2) A national cemetery established on such real property shall become part of the National Cemetery System and shall be administered under chapter 24 of title 38, United States Code.

(c) RESTORATION.—(1) The Secretary of the Army shall carry out appropriate environmental restoration activities pursuant to chapter 160 of title 10, United States Code, with respect to such real property before transferring it under this section.

(2) The Secretary may not transfer such property under this section unless the Administrator of Veterans' Affairs has determined that contamination that would prevent the property from being used as a national cemetery has been removed and that the land has been restored so that it is appropriate for such use. Cemeteries.

(d) LEGAL DESCRIPTION.—The exact acreage and legal descriptions of any property transferred under this section shall be based on surveys that are satisfactory to the Secretary. The Administrator shall bear the cost of such surveys.

SEC. 2338. LEASE OF PROPERTY AT THE NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA

(a) IN GENERAL.—Subject to subsections (b) through (g), the Secretary of the Navy may lease, at fair market rental value, to the Port of Oakland, California, not more than 195 acres of real property, together with improvements thereon, at the Naval Supply
101 STAT. 1226 Center, Oakland, California.

(b) TERM OF LEASE.—The lease entered into under subsection (a) may be for such term as the Secretary determines appropriate, with an initial term not to exceed 25 years and an option to extend for a term not to exceed 25 years.

(c) REPLACEMENT AND RELOCATION PAYMENTS.—The Secretary may, under the terms of the lease, require the Port of Oakland to pay the Secretary—

(1) a negotiated amount for the structures on the leased property that require replacement at a new location; and

(2) a negotiated amount for expenses to be incurred by the Navy with respect to vacating the leased property and relocating to other facilities.

(d) USE OF FUNDS.—(1) Funds received by the Secretary under subsection (c) may be used by the Secretary to pay for relocation expenses and constructing new facilities or making modifications to existing facilities which are necessary to replace facilities on the leased premises.

(2)(A) Funds received by the Secretary for the fair market rental value of the real property may be used to pay for relocation and replacement costs incurred by the Navy in excess of the amount received by the Secretary under subsection (c).

(B) Funds received by the Secretary for such fair market rental value in excess of the amount used under subparagraph (A) shall be deposited into the miscellaneous receipts of the Treasury.

(e) AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.—The Secretary may, under the terms of the lease, authorize the Port of Oakland to demolish existing facilities on the leased land and to provide for construction of new facilities on such land for the use of the Port of Oakland.

(f) REPORT.—The Secretary may not enter into a lease under this section until—

(1) the Secretary has transmitted to the Committee on Armed Services of the Senate and of the House of Representatives a report containing an explanation of the terms of the lease, especially with respect to the amount the Secretary is to receive under subsection (c) and the amount that is expected to be used under subsection (d)(2); and

(2) a period of 21 days has expired after the date on which such report is received by such Committees.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the lease authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

Texas.

SEC. 2339. AUTHORITY TO RELEASE CERTAIN RIGHTS

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may release, discharge, waive, and quitclaim all right, title, and interest which the United States may have by virtue of the quitclaim deed dated November 22, 1957, in and to approximately 46.1186 acres of real property, with improvements thereon, in Tarrant County, Texas.

(b) CONDITION.—The Secretary may carry out subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a tract of real property—

(1) which is at least equal in value to the real property referred to in subsection (a); and

(2) which shall be, on the date on which the State obtains it, subject to the same restrictions and covenants with respect to the Federal Government as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a). 101 STAT. 1227

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be based upon surveys that are satisfactory to the Secretary.

SEC. 2340. MINERAL INTERESTS AT WHITE SANDS MISSILE RANGE, NEW MEXICO

(a) AUTHORITY TO GRANT INTEREST.—The Secretary of the Army may grant to the State of New Mexico an interest in the minerals in or on the land described in subsection (d).

(b) INTEREST, TERMS, AND CONDITIONS OF GRANT.—The extent of the interest granted to the State of New Mexico pursuant to subsection (a), and the other terms and conditions of such grant, shall be those prescribed by the Attorney General, after consultation with the Secretary of the Army and the Secretary of the Interior.

(c) SETTLEMENT OF CLAIMS.—The acceptance by the State of New Mexico of any interest in minerals made to such State pursuant to this section shall be in full settlement of the claims of such State against the United States as set forth in the case of Humphries v. United States, United States Claims Court (case number 94-79L).

(d) DESCRIPTION OF LAND.—The land referred to in subsection (a) is land located within the boundaries of the White Sands Missile Range, New Mexico, which was owned by the State of New Mexico and which was found by the Court of Claims to have been taken by the United States by inverse condemnation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions as the Secretary, in consultation with the Attorney General, considers appropriate to protect the interests of the United States.

SEC. 2341. LAND CONVEYANCE, FORT JACKSON, SOUTH CAROLINA

Subsection (e)(1) of section 840 of the Military Construction Authorization Act, 1986 (Public Law 99-167), is amended— 99 Stat. 997.

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) for a water systems improvement project at Fort Jackson at an estimated cost of $2,300,000, and for family housing improvement projects at Fort Jackson at an estimated cost not to exceed $6,400,000.".

SEC. 2342. LAND EXCHANGE, HAMILTON AIR FORCE BASE, CALIFORNIA

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Army and the Secretary of the Navy may, jointly or separately, enter into an agreement for the exchange of lands and interest in lands under their respective jurisdictions at Hamilton Air Force Base, California, with the purchaser of other lands at such air force base which, before the date of the enactment of this Act, were declared excess to the needs of the United States.

(b) CONDITIONS ON EXCHANGES.—Exchanges of land and interests in real property under this section shall be made on condition that 101 STAT. 1228 the United States receive land or interests in real property at least equal in value (as determined by the Secretary of the Army or the Secretary of the Navy, as the case may be) to the land and interests in real property conveyed by the United States.

(c) LEGAL DESCRIPTION AND SURVEYS.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys that are satisfactory to the Secretary of the Army or the Secretary of the Navy, as the case may be. The cost of such surveys shall be borne by the purchaser referred to in subsection (a).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army and the Secretary of the Navy may require such additional terms and conditions under this section as each such Secretary considers appropriate to protect the interests of the United States.

SEC. 2343. LAND CONVEYANCE, CHANUTE AIR FORCE BASE, ILLINOIS

(a) AUTHORITY TO SELL.—Subject to subsections (b) through (g), the Secretary of the Air Force may sell all or any portion of that tract of land (together with any improvements thereon) which comprises the Chapman Court Housing Annex, a housing complex near Chanute Air Force Base, Illinois, consisting of 49 acres, more or less.

(b) CONDITIONS OF SALE.—The Secretary shall require the buyer, as a condition of any sale of any of the property referred to in subsection (a), to carry out the following projects at Chanute Air Force Base in accordance with specifications mutually agreed upon by the Secretary and the prospective purchaser:

(1) Widen and extend Heritage Drive.

(2) Construct a new entrance gate (including a gate guardhouse) to serve as the main entrance from U.S. Route 45.

(3) Construct a visitor reception center and parking lot to serve such center.

(4) Construct new streets or alter existing streets in order to effectively reroute automobile traffic (on the Air Force Base) to and from the proposed new gate.

(c) COMPETITIVE BID REQUIREMENT AND MINIMUM SALE PRICE.—(1) The sale of any of the land referred to in subsection (a) shall be carried out under publicly advertised, competitive bid, or competitively negotiated contracting procedures.

(2) In no event may any of the land referred to in subsection (a) be sold for less than its fair market value, as determined by the Secretary.

(d) REPORT REQUIREMENTS.—(1) The Secretary may not enter into any contract for the sale of any or all of the land referred to in subsection (a) unless—

(A) the Secretary has submitted to the Committees on Armed Services of the Senate and House of Representatives a report containing the details of the contract proposed to be entered into by the Secretary under this section; and

(B) a period of 21 days has expired following the date on which the report referred to in clause (A) is received by such committees.

(2) Any report submitted under paragraph (1) shall include—

(A) a description of the price and terms of the proposed sale;

(B) a description of the procedures used in selecting a buyer for the land; and

(C) all pertinent information regarding the base development proposal selected by the Secretary.

101 STAT. 1229

(e) USE OF EXCESS FUNDS.—If the fair market value of the property conveyed to a buyer under this section is greater than the fair market value of the facilities constructed by the buyer for the United States, as determined by the Secretary, the buyer shall pay the difference to the United States. Any such amount paid to the Secretary shall be deposited into the general fund of the Treasury.

(f) LEGAL DESCRIPTION OF LAND.—The exact acreage and legal description of any land conveyed under this section shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the buyer.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2344. LAND EXCHANGE, SAN DIEGO, CALIFORNIA

(a) AUTHORITY TO EXCHANGE.—Subject to subsections (b) through (f), the Secretary of the Air Force may convey certain real property (and improvements thereon) adjacent to Air Force Plant 19 in San

Diego, California, to the County of San Diego, California, in exchange for certain real property (and improvements thereon) located in San Diego County, California.

(b) CONDITION.—If the fair market value of the real property and improvements conveyed to the County of San Diego under subsection (a) exceeds the fair market value of the real property and improvements conveyed to the United States by the County of San Diego, the County shall pay to the United States an amount equal to the difference. The Secretary shall deposit any funds received under this subsection as miscellaneous receipts in the Treasury.

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property exchanged under this section shall be in accordance with surveys that are satisfactory to the Secretary. The costs of such surveys shall be borne by the County.

(d) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) REPORT.—Before the Secretary enters into an agreement authorized under subsection (a) for an exchange of real property with the County, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the details of such proposed agreement. The report shall also include an assessment of the impact of the proposed exchange on—

(1) current activities of the Department of Defense at Plant 19;

(2) the potential disposai of Plant 19 to a private concern;

(3) the potential transfer of Plant 19 to another military department; and

(4) the ability of Plant 19 to support potential or programmed future missions of the Department of Defense.

(f) WAITING PERIOD.—An agreement for an exchange authorized by subsection (a) may not be entered into by the Secretary for a period of 30 days after the date on which the report referred to in subsection (e) has been received by the committees named in such subsection.

101 STAT. 1230

SEC. 2345. PROPERTY TRANSACTION, BARLING, ARKANSAS

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Army shall lease to the City of Barling, Arkansas, for use by that city in the treatment of sewage, the following tracts of land at Fort Chaffee, Arkansas:

(1) A tract consisting of 320 acres and more particularly described as the NE¼ and the NW¼ of section 34, Township 8 North, Range 31 West.

(2) A tract 40 feet wide running from the northern boundary of the tract described in paragraph (1) to the Arkansas River, as may be agreed upon by the Secretary and the city of Barling.

(b) LEASE REQUIREMENTS.—(1) The lease entered into under subsection (a) shall authorize the City to construct and maintain a wastewater treatment facility on the land leased under subsection (a). Upon termination of the lease, the United States shall have all right, title, and interest in and to any improvements on the land.

(2) The lease shall be for such period, not less than 55 years, as may be agreed upon by the Secretary and the City.

(3) The lease shall require the City to pay rent for the use of the land in an amount to be agreed upon by the Secretary and the City, but not exceeding $1,600 per year.

(c) ALTERNATIVE LEASE.—(1) In lieu of leasing to the City of Barling the lands described in subsection (a), the Secretary may lease to the City other lands under the jurisdiction of the Secretary adjacent to existing lagoons at Fort Chaffee, Arkansas, for use by the City in the treatment of sewage.

(2) Land leased to the city pursuant to paragraph (1) shall be leased at an annual rate of not more than $5 per acre.

(3) Any lease entered into pursuant to paragraph (1) shall be subject to paragraphs (1) and (2) of subsection (b).

(4) If a lease is entered into under this subsection, the Secretary may permit the City to use the sewage treatment facilities of Fort Chaffee under an agreement which would require the City to pay a reasonable cost for the use of such facilities and any reasonable costs incurred by the Army in increasing the capacity of the sewage treatment facilities at Fort Chaffee to accommodate the use of such facilities by the City.

(d) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal description of any land to be leased under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—Any lease or other agreement entered into under this section shall be subject to such other terms and conditions as the Secretary of the Army determines necessary or appropriate to protect the interests of the United States.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE I—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1988.

SEC. 3101. SHORT TITLE

This title may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1988".

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3111. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1988 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,483,225,000, to be allocated as follows:

(A) For research and development, $769,019,000.

(B) For weapons testing, $396,550,000.

(C) For production and surveillance, $1,853,830,000.

(D) For nuclear directed energy weapons research, development, and testing, $240,000,000.

(E) For the defense inertial confinement fusion program, $149,000,000.

(F) For program direction, $74,826,000.

(2) For defense nuclear materials production, $1,419,521,000 to be allocated as follows:

(A) For uranium enrichment for naval reactors, $141,500,000.

(B) For other uranium enrichment, $11,500,000.

(C) For production reactor operations, $550,035,000.

(D) For processing of defense nuclear materials, including naval reactors fuel, $470,700,000, of which $65,000,000 shall be used for special isotope separation.

(E) For supporting services, $221,747,000.

(F) For program direction, $24,039,000.

(3) For environmental restoration and management of defense waste and transportation, $578,519,000, to be allocated as follows:

(A) For environmental restoration, $97,798,000. Such funds may also be used for plant and capital equipment.

(B) For waste operation and projects, $411,597,000.

(C) For waste research and development, $51,082,000.

(D) For hazardous waste process planning, $7,112,000.

(E) For transportation management, $8,400,000.

(F) For program direction, $2,530,000.

(4) For verification and control technology, $120,500,000.

(5) For nuclear materials safeguards and security technology development program, $73,200,000.

(6) For security investigations, $32,000,000.

(7) For naval reactors development, $544,100,000.

SEC. 3112. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1988 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 88-D-101, general plant projects, various locations, $30,200,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-103, seismic upgrade, Building 111, Lawrence Livermore National Laboratory, Livermore, California, $1,100,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,500,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $10,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $28,962,000.

Project 88-D-121, general plant projects, various locations, $33,000,000.

Project 88-D-122, facilities capability assurance program, various locations, $19,200,000.

Project 88-D-123, security enhancement, Pantex Plant, Amarillo, Texas, $5,700,000.

Project 88-D-124, fire protection upgrade, various locations, $1,700,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $2,700,000.

Project 88-D-126, personnel radiological monitoring laboratories, various locations, $1,000,000.

Project 88-D-129, small intercontinental ballistic missile (SICBM) warhead production facilities, various locations, $20,000,000.

Project 87-D-104, safeguards and security enhancements, Phase II, Lawrence Livermore National Laboratory, Livermore, California, $7,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $37,016,000, subject to section 3113(c).

Project 87-D-123, protective clothing decontamination facility, Rocky Flats Plant, Golden, Colorado, $4,608,000.

Project 87-D-127, environmental, safety, and health upgrade, Mound Plant, Miamisburg, Ohio, $1,737,000.

Project 87-D-130, receiving and shipping facility, Pinellas Plant, St. Petersburg, Florida, $2,400,000.

101 STAT. 1233

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $12,000,000.

Project 86-D-104, strategic defenses facility, Sandia National Laboratories, Albuquerque, New Mexico, $15,000,000.

Project 86-D-105, instrumentation systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $8,000,000.

Project 86-D-106, laboratory data communications center, Los Alamos National Laboratory, Los Alamos, New Mexico, $12,200,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, $221,000.

Project 86-D-123, environmental hazards elimination, various locations, $13,289,000.

Project 86-D-125, safeguards and site security upgrade, Phase II, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $46,773,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, $33,500,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, $9,200,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Las Vegas, Nevada, $28,000,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, $100,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, $12,544,000.

Project 85-D-113, power plant and steam distribution system, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, $1,060,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, $998,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $5,458,000.

Project 84-D-112, Trident II warhead production facilities, various locations, $3,300,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, $5,878,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, $18,253,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $96,129,000.

(2) For materials production:

New production reactor, location to be determined, $10,000,000.

Project 88-D-146, general plant projects, various locations, $39,030,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $2,900,000.

101 STAT. 1234

Project 87-D-150, radioactive liquid effluent treatment facility, Richland, Washington, $5,000,000.

Project 87-D-152, environmental protection, plantwide, Savannah River, South Carolina, $2,800,000.

Project 87-D-159, environmental, health, and safety

improvements, Phases I and II, Feed Materials Production Center, Fernald, Ohio, $35,000,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, $20,000,000.

Project 86-D-149, productivity retention program, Phases I, II, and III, various locations, $68,860,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, $1,900,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, $4,500,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, $19,175,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, $13,000,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, $7,831,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $21,100,000.

Project 84-D-134, safeguards and security improvements, plantwide, Savannah River, South Carolina, $9,685,000.

Project 83-D-148, non-radioactive hazardous waste management, $4,200,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, $13,200,000.

(3) For defense waste and transportation management:

Project 88-D-171, general plant projects, various locations, $25,636,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $7,500,000.

Project 87-D-172, WESF K-3 filter upgrade, Richland, Washington, $2,800,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, $7,200,000.

Project 87-D-174, 241-AQ tank farm, Richland, Washington, $22,300,000.

Project 87-D-175, steam system rehabilitation, Phase I, Richland, Washington, $12,600,000.

Project 87-D-177, test reactor area liquid radioactive waste cleanup system, Phase III, Idaho National Engineering Laboratory, Idaho, $3,900,000.

Project 87-D-180, burial ground expansion, Savannah River, South Carolina, $8,200,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $6,800,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, $4,628,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory, Idaho, $742,000. 101 STAT. 1235

Project 85-D-157, seventh calcined solids storage facility, Idaho National Engineering Laboratory, Idaho, $2,181,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, $56,000.

Project 85-D-159, new waste transfer facilities, H-area, Savannah River, South Carolina, $13,682,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $120,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast New Mexico, $35,901,000.

(4) For naval reactors development:

Project 88-N-101, general plant projects, various locations, $6,000,000.

Project 88-N-102, expanded core facility receiving station, Naval Reactors Facility, Idaho, $2,100,000.

Project 88-N-103, material handling and storage modifications, Knolls Atomic Power Laboratory, Niskayuna, New York, $400,000.

Project 88-N-104, prototype availability facilities, Kesselring site, Knolls Atomic Power Laboratory, West Milton, New York, $1,000,000.

Project 87-N-102, Kesselring site facilities upgrade, Knolls Atomic Power Laboratory, West Milton, New York, $8,400,000.

(5) For capital equipment not related to construction:

(A) For weapons activities, $266,230,000, of which $17,000,000 shall be allocated for nuclear directed energy weapons and $10,000,000 shall be allocated for the defense inertial confinement fusion program.

(B) For materials production, $91,285,000.

(C) For defense waste and transportation management, $43,687,000.

(D) For verification and control technology, $5,100,000.

(E) For nuclear safeguards and security, $4,600,000.

(F) For naval reactors development, $45,000,000.

SEC. 3113. FUNDING LIMITATIONS

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1988 for operating expenses and plant and capital equipment, not more than $279,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1988 for operating expenses and plant and capital equipment, not less than $159,000,000 shall be used for the defense inertial confinement fusion program.

(c) SRAM II.—Funds appropriated to the Department of Energy for fiscal year 1988 for facilities for production of the warhead for the short-range attack missile II (SRAM II) (project 87-D-122) may be obligated only—

101 STAT. 1236

(1) for facilities which are suitable for production of a warhead compatible with both the SRAM-A and the SRAM II; and

(2) after the Nuclear Weapons Council certifies that the design of the warhead is compatible with both the SRAM-A and the SRAM II.

SEC. 3114. UNDISTRIBUTED REDUCTIONS

(a) TOTAL AUTHORIZATION.—Notwithstanding sections 3111 and 3112, the total amount authorized to be appropriated to the Department of Energy in this title for fiscal year 1988 for national security programs is $7,826,900,000.

(b) REQUIREMENT FOR PROJECT REDUCTIONS.—The Secretary of Energy shall reduce the amounts authorized for the projects listed in sections 3111 and 3112 in such amounts as he determines appropriate to achieve a total reduction of $15,000,000.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation. 101 STAT. 1237

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS

(a) IN GENERAL.—(1) Except as provided in paragraph (3), construction on a construction project described in paragraph (2) may not be started, and additional obligations may not be incurred in connection with the project, above the total estimated cost of the construction project whenever the current estimated cost of the project exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) Paragraph (1) applies to any construction project which is authorized by section 3112 of this title or which is in support of national security programs of the Department of Energy and was authorized by any previous Act.

(3) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government, but only for the performance of the work for which the funds were authorized and

appropriated. Funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) SPECIFIC TRANSFER.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1988 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3113(a).

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

101 STAT. 1238

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by section 3112, the Secretary may perform planning and design using available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for operating expenses and plant and capital equipment are available for use, when necessary, in connection with all national security programs of the Department of Energy.

Government organization and employees.

SEC. 3128. ADJUSTMENTS FOR PAY INCREASES

Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

SEC. 3129. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated pursuant to this title for operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS PROVISIONS

SEC. 3131. ALLOWABLE COSTS TO INCLUDE CERTAIN INFORMATION PROVIDED TO CONGRESS AND STATE LEGISLATURES

Contracts.

(a) ALLOWABLE COSTS.—Section 1534(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986 (title XV of Public Law 99-145; 42 U.S.C. 7256a(b)) is amended—

(1) by inserting "(1)" before "Not later than"; and

(2) by adding at the end the following new paragraph:

"(2) In any regulations implementing subsection (a)(2), the Secretary may not treat as not allowable (by reason of such subsection) the following costs of a contractor:

"(A) Costs of providing to Congress or a State legislature, in response to a request from Congress or a State legislature, information of a factual, technical, or scientific nature, or advice of experts, with respect to topics directly related to the performance of the contract.

"(B) Costs for transportation, lodging, or meals incurred for the purpose of providing such information or advice.".

101 STAT. 1239

Regulations. 42 USC 7256a note.

(b) EFFECTIVE DATE.—Regulations to implement paragraph (2) of section 1534(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986 (as added by subsection (a)) shall be prescribed not later than 90 days after the date of the enactment of this Act. Such regulations shall apply as if included in the original regulations prescribed under such section.

SEC. 3132. MODERNIZATION OF NUCLEAR WEAPONS COMPLEX

President of U.S.

(a) STUDY.—The President shall conduct a study, in consultation with experts in both the Federal Government and the private sector, on the nuclear weapons complex for the purpose of determining the overall size and productive capacity necessary to support national security objectives.

(b) PLAN.—The President shall formulate a plan, based on the study conducted under subsection (a), to modernize the nuclear weapons complex by achieving the necessary size and capacity determined under the study. Such plan shall include—

(1) actions necessary to ensure operation of facilities in the nuclear weapons complex in a safe and environmentally acceptable manner;

(2) a schedule for implementation of the plan; and

(3) the estimated costs of implementation of the plan.

(c) REPORT.—The President shall submit a report to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives containing recommendations resulting from the study required by subsection (a) and a description of the plan required by subsection (b). The report shall be submitted by December 15, 1988.

(d) NUCLEAR WEAPONS COMPLEX DEFINITION.—In this section, the term "nuclear weapons complex" includes facilities for nuclear weapons research, development, and testing, nuclear materials production, nuclear weapons components manufacture, and assembly of nuclear weapons.

SEC. 3133. REQUIREMENTS TO ENSURE SAFE OPERATION OF N REACTOR

Washington.

(a) REPORT BY NATIONAL ACADEMY OF SCIENCES.—The Secretary of Energy shall request the National Academy of Sciences to submit by December 1, 1987, a report summarizing its findings, conclusions, and recommendations relating to the safety of operation of the N Reactor at the Hanford Reservation, Washington (hereafter in this section referred to as the "N Reactor"). Such report shall be prepared from the Academy's current assessment of safety and technical issues at Department of Energy class A reactors being conducted pursuant to section 3136 of the Department of Energy National Security and Military Applications of Nuclear Energy

Authorization Act of 1987 (division C of Public Law 99-661; 100 Stat. 4064). The report may include a review of the reports and recommendations of the so-called Roddis panel and shall be in addition to any other report submitted by the Academy on the N Reactor to the Department of Energy. The report shall be submitted to—

(1) the Secretary of Energy; and

(2) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives and the Committee on Armed Services of the Senate.

(b) RESTRICTION ON OPERATION OF N REACTOR.—The Secretary of Energy—

101 STAT. 1240

(1) may not operate the N Reactor before January 1, 1988; and

(2) may not operate the N Reactor until the Secretary submits to the Committees specified in subsection (a) a certification that the N Reactor is safe to operate.

(c) EFFECT ON ENVIRONMENTAL IMPACT STATEMENT.—No requirement or restriction in this section (including the delay in operation of the N Reactor until at least December 31, 1987) shall affect or be considered in the application or interpretation of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) to the N Reactor.

(d) OPERATION DEFINED.—For purposes of this section, the term "operation" with respect to the N Reactor means any activity carried out for the purpose of producing special nuclear materials by achieving a state of criticality.

SEC. 3134. INTERIM OVERSIGHT OF SAFETY OF THE NUCLEAR WEAPONS COMPLEX

(a) REQUIREMENT FOR REVIEW AND REPORT.—(1) The Secretary of Energy shall request the National Academy of Sciences to conduct two reviews on the status of the nuclear weapons complex and submit a report on each review. Each such report shall include—

(A) a consideration of safety and technical issues at current facilities and a discussion of steps that would enhance the safety of operation of those facilities;

(B) a consideration of the environmental impact of the operation of those facilities;

(C) an estimation of the approximate useful lifetime of existing reactors; and

(D) findings and recommendations.

(2) The reports shall be submitted concurrently to the Committees on Armed Services of the Senate and House of Representatives and the Secretary not later than December 1, 1988, and December 1, 1989.

Reports.

(b) REVIEW AND COMMENT BY SECRETARY.—(1) The Secretary shall review the findings and recommendations contained in each report under subsection (a) and shall separately provide to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) the Secretary's comments on such findings and recommendations; and

(B) a description (including cost assessments) of plans of the Secretary to correct any technical problems described in the report or to carry out recommendations set forth in the report.

(2) The Secretary shall submit the report required by paragraph (1) no later than 30 days after receipt of each report required by subsection (a).

SEC. 3135. TIMELY DETERMINATION OF PROPERTY RIGHTS IN INVENTIONS AND DISCOVERIES

(a) DEADLINE FOR WAIVER DECISION.—Section 3131(a) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987 (title I of division C of Public Law 99-661; 100 Stat. 4061) is amended—

42 USC 7261a.

(1) by inserting "(1)" before "Whenever any contractor";

(2) by striking out the last sentence; and

(3) by adding at the end the following new paragraphs:

Contracts.

"(2) Such decision shall be made within 150 days after the date on which a complete request for waiver of such rights has been submit-

ted to the Secretary by the contractor. For purposes of this paragraph, a complete request includes such information, in such detail and form, as the Secretary by regulation prescribes as necessary to allow the Secretary to take into consideration the matters described in subsection (b) in making the decision. 101 STAT. 1241

"(3) If the Secretary fails to make the decision within such 150-day period, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate, within 10 days after the end of the 150-day period, a report on the reasons for such failure. The submission of such report shall not relieve the Secretary of the requirement to make the decision under this section. The Secretary shall, at the end of each 30-day period after submission of the first report during which the Secretary continues to fail to make the decision required by this section, submit another report on the reasons for such failure to the committees listed in this paragraph.". Reports.

(b) EFFECTIVE DATE.—Paragraphs (2) and (3) of section 3131(a) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987 (as added by subsection (a)) shall apply with respect to waiver requests submitted by contractors under that section after March 1, 1988. 42 USC 7261a note.

SEC. 3136. PRODUCTION REACTOR ACQUISITION STRATEGY

(a) REPORT.—The Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the strategy of the Secretary for acquiring new reactor capacity for the production of nuclear materials. The report shall include the following:

(1) An evaluation, including a discussion of all safety features considered, of the alternative sites and technologies for acquiring new reactor capacity for the production of nuclear materials.

(2) The associated costs and schedules of such alternative sites and technologies, including annual funding requirements.

(3) The recommendations of the Secretary of Energy with respect to—

(A) the preferred sites and technologies for acquiring new reactor capacity for the production of nuclear materials; and

(B) an acquisition strategy for eventual procurement, either in a phased approach or concurrently, of two reactors with different technologies in different locations.

(b) DEADLINE.—The report required by subsection (a) shall be submitted as soon as possible after the date of the enactment of this Act, but no later than February 1, 1988.

PART D—DEPARTMENT OF ENERGY SEMICONDUCTOR TECHNOLOGY RESEARCH EXCELLENCE INITIATIVE

Business and industry.

SEC. 3141. FINDINGS

15 USC 4621.

Congress makes the following findings:

(1) Semiconductors and related microelectronic devices are key components in computers, telecommunications equipment, advanced defense systems, and other equipment.

(2) Aggregate sales of such equipment, in excess of $230,000,000,000 annually, comprise a significant portion of the gross national product of the United States.

101 STAT. 1242

(3) The leadership position of the United States in advanced technology is threatened by (A) competition from foreign businesses which is promoted and facilitated by the increasingly active involvement of foreign governments, and (B) other changes in the nature of foreign competition.

(4) The principal cause of the relative shift in strength of the United States and its semiconductor competitors is the establishment of a long-term goal by a major foreign competitor to achieve world superiority in semiconductor research and

manufacturing technology and the pursuit of such goal by that competitor by effectively marshalling all of the government, industry, and academic resources needed to achieve that goal.

(5) Although the United States semiconductor industry leads all other principal United States industries in terms of its reinvestment in research and development, that has been insufficient by worldwide standards.

(6) Electronic equipment is essential to protect the national security of the United States, as is evidenced by the allocation of approximately 35 percent of the total research, development, and procurement budgets of the Department of Defense to electronics research.

(7) The Armed Forces of the United States will eventually depend extensively on foreign semiconductor technology unless significant steps are taken, and taken at an early date, to retain United States leadership in semiconductor technology research.

(8) It is in the interests of the national security and national economy of the United States for the United States to regain its traditional world leadership in the field of semiconductors.

(9) The most effective means of regaining that leadership is through a joint research effort of the Federal Government and private industry of the United States to improve semiconductor manufacturing technology and to develop practical uses for such technology.

(10) In order to meet the national defense needs of the United States and to insure the continued vitality of a commercial manufacturing base in the United States, it is essential that priority be given to the development, demonstration, and advancement of the semiconductor technology base in the United States.

(11) The national laboratories of the Department of Energy are a major national research resource, and the extensive involvement of such laboratories in the semiconductor research initiatives of the Federal Government and private industry would be an effective use of such laboratories and would help insure the success of such initiatives.

15 USC 4622.

SEC. 3142. ESTABLISHMENT OF THE SEMICONDUCTOR MANUFACTURING TECHNOLOGY RESEARCH INITIATIVE

The Secretary of Energy shall initiate and carry out a program (hereinafter in this subtitle referred to as the "Initiative") of research on semiconductor manufacturing technology and on the practical applications of such technology. The Secretary may carry out the Initiative in a way that complements the activities of a consortium of United States semiconductor manufacturers, materials manufacturers, and equipment manufacturers, established for the purpose of conducting research concerning advanced semiconductor manufacturing techniques and developing techniques to adopt manufacturing expertise to a variety of semiconductor products.

101 STAT. 1243

Schools and colleges.
15 USC 4623.

SEC. 3143. PARTICIPATION OF NATIONAL LABORATORIES OF THE DEPARTMENT OF ENERGY

(a) MISSION OF NATIONAL LABORATORIES.—Each national laboratory of the Department of Energy may participate in research and development projects under the Initiative in conjunction with the Department of Defense or with any consortium, college, or university carrying out any project for or in cooperation with any consortium referred to in section 3142, to the extent that such participation is consistent with the missions of the national laboratory.

(b) AGREEMENTS.—The Secretary of Energy may enter into such agreements with the Secretary of Defense, with any consortium referred to in section 3142, and with any college or university as may be necessary to provide for the active participation of the national laboratories of the Department of Energy in the Initiative.

(c) RESEARCH AND DEVELOPMENT.—One or more national laboratories of the Department of Energy shall participate in the Initiative by conducting research and development activities relating to research on the development of semiconductor manufacturing technologies. Such activities may include research and development relating to materials fabrication, materials characterization, design and modeling of devices, and new processing equipment.

SEC. 3144. PERSONNEL EXCHANGES

15 USC 4624.

The Secretary of Energy may authorize temporary exchanges of personnel between the national laboratories of the Department of Energy and any domestic firm or any consortium referred to in section 3142 that is participating in the Initiative. The exchange of personnel shall be subject to such restrictions, limitations, terms, and conditions that the Secretary of Energy considers necessary in the interest of national security.

SEC. 3145. OTHER DEPARTMENT OF ENERGY RESOURCES

15 USC 4625.

(a) AVAILABILITY OF RESOURCES.—Subject to subsection (b), the Secretary of Energy may make available to the Department of Defense, to any other department or agency of the Federal Government, and to any consortium that has entered into an agreement in furtherance of the initiative any facilities, personnel, equipment, services, and other resources of the Department of Energy for the purpose of conducting research and development projects under the Initiative consistent with section 3143(a).

(b) REIMBURSEMENT.—The Secretary may make facilities available under this section only to the extent that the cost of the use of such facilities is reimbursed by the user.

SEC. 3146. BUDGETING FOR SEMICONDUCTOR MANUFACTURING TECHNOLOGY RESEARCH

15 USC 4626.

(a) BUDGET SUBMISSION.—To the extent the Secretary considers appropriate and necessary, the Secretary of Energy, in preparing the research and development budget of the Department of Energy to be included in the annual budget submitted to the Congress by the President under section 1105(a) of title 31, United States Code, shall provide for programs, projects, and activities that encourage the development of new technology in the field of semiconductors. 101 STAT. 1244

(b) BUDGET CATEGORIES.—The programs, projects, and activities described in subsection (a) shall be included in the budget for general science and research activities of the Department of Energy, except that any programs, projects, and activities that directly support and directly benefit the defense activities of the Department shall be included in the budget for atomic energy defense activities of the Department of Energy.

SEC. 3147. COST-SHARING AGREEMENTS

Contracts.
15 USC 4627.

(a) PERMITTED PROVISIONS.—The director of each national laboratory of the Department of Energy that is participating in the Initiative or the contractor operating any such national laboratory, in carrying out programs under a contract with the Department of Energy, may include in any research and development agreement entered into with a domestic firm in connection with such Initiative a cooperative provision for the domestic firm to pay a portion of the cost of the research and development activities.

(b) LIMITATIONS.—(1) Not more than an amount equal to 1 percent of any national laboratory's annual budget shall be received from nonappropriated funds derived from contracts entered into under the Initiative in any fiscal year, except to the extent approved in advance by the Secretary of Energy.

(2) No Department of Energy national laboratory may receive more than $10,000,000 of nonappropriated funds under any cooperative research and development agreement entered into under this subsection in connection with the Initiative, except to the extent approved in advance by the Secretary of Energy.

15 USC 4628.

SEC. 3148. DEPARTMENT OF ENERGY OVERSIGHT OF COOPERATIVE AGREEMENTS RELATING TO THE INITIATIVE

(a) PROVISIONS RELATING TO DISAPPROVAL AND MODIFICATION OF AGREEMENTS.—If the Secretary of Energy desires an opportunity to disapprove or require the modification of any agreement under section 3147, the agreement shall provide a 90-day period within which such action may be taken, beginning on the date the agreement is submitted to the Secretary.

(b) RECORD OF AGREEMENTS.—Each national laboratory shall maintain a record of all agreements entered into under this section.

15 USC 4629.

SEC. 3149. AVOIDANCE OF DUPLICATION

In carrying out the Initiative, the Secretary of Energy shall ensure that unnecessary duplicative research is not performed at the research facilities (including the national laboratories of the Department of Energy) that are participating in the Initiative.

15 USC 4630.

SEC. 3150. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated to the Department of Energy for fiscal year 1988 the sum of $25,000,000 for general science and research activities of the Department of Energy under the Initiative.

15 USC 4631.

SEC. 3151. TECHNOLOGY TRANSFER

(a) IN GENERAL.—The Secretary of Energy shall adopt procedures to provide for timely and efficient transfer of semiconductor technology developed under the Initiative pursuant to applicable laws, Executive orders, and regulations.

(b) PLAN FOR COMMERCIALIZATION ENHANCEMENT.—(1) Not later
101 STAT. 1245 than one year after the date on which funds are first appropriated to conduct the Initiative, the Secretary of Energy shall transmit to the committees of Congress named in paragraph (2) a plan for the transfer of semiconductor technology and information generated by the Initiative.

(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science and Technology of the House of Representatives.

TITLE II—NATIONAL DEFENSE STOCKPILE

National Defense Stockpile Amendments of 1987.
50 USC 98 note.

SEC. 3201. SHORT TITLE

This title may be cited as the "National Defense Stockpile Amendments of 1987".

SEC. 3202. STOCKPILE REQUIREMENTS

(a) PROCEDURE FOR REVISIONS OF STOCKPILE REQUIREMENTS.—Section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) is amended—

(1) in subsection (a), by striking out "The" in the first sentence and inserting in lieu thereof "Subject to subsection (c), the";

(2) in subsection (b), by striking out "the following principles" and all that follows and inserting in lieu thereof "the principles stated in section 2(c).''; and

(3) by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) The quantity of any material to be stockpiled under this Act, as in effect on September 30, 1987, may be changed only as provided in this subsection or as otherwise provided by law enacted after the date of the enactment of the National Defense Stockpile Amendments of 1987.

President of U.S.

"(2) If the President proposes to change the quantity of any material to be stockpiled under this Act, the President shall include a full explanation and justification for the change in the next annual material plan submitted to Congress under section 11(b).

"(3) If the proposed change in the case of any material would result in a new requirement for the quantity of such material different from the requirement for that material in effect on September 30, 1987, by less than 10 percent, the change may be made by the President effective on or after the first day of the first fiscal year beginning after the explanation and justification for the proposed change is submitted pursuant to paragraph (2). President of U.S.

"(4) In the case of a proposed change not covered by paragraph (3), the proposed change may be made only to the extent expressly authorized by law.

"(5) If in any year the reports required by sections 11(b) and 14 are not submitted to Congress as required by law (including the time for such submission), then during the next fiscal year no change under paragraph (3) may be made in the quantity of any material to be stockpiled under this Act.".

(b) PURPOSE OF STOCKPILE.—Section 2 of such Act (50 U.S.C. 98a) is amended by adding at the end the following new subsection:

"(c) In providing for the National Defense Stockpile under this Act, Congress establishes the following principles: 101 STAT. 1246

"(1) The purpose of the National Defense Stockpile is to serve the interest of national defense only. The National Defense Stockpile is not to be used for economic or budgetary purposes.

"(2) The quantities of materials stockpiled under this Act should be sufficient to sustain the United States for a period of not less than three years during a national emergency situation that would necessitate total mobilization of the economy of the United States for a sustained conventional global war of indefinite duration.".

(c) ANNUAL RECOMMENDATION OF STOCKPILE REQUIREMENTS BY SECRETARY OF DEFENSE.—The Strategic and Critical Materials Stock Piling Act is amended by adding at the end the following new section:

"ANNUAL REPORT ON STOCKPILE REQUIREMENTS

"SEC. 14. (a) The Secretary of Defense shall submit to Congress an annual report on stockpile requirements. Each such report shall be submitted with the annual report submitted under section 11(b) and shall include— 50 USC 98h-5.

"(1) the Secretary's recommendations with respect to stockpile requirements; and

"(2) the matters required under subsection (b).

"(b) Each report under this section shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the Secretary, based upon total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. Assumptions to be set forth include assumptions relating to each of the following:

"(1) Length and intensity of the assumed emergency.

"(2) The military force structure to be mobilized.

"(3) Losses from enemy action.

"(4) Military, industrial, and essential civilian requirements to support the national emergency.

"(5) Budget authority necessary to meet the requirements of total mobilization for the military, industrial, and essential civilian sectors.

"(6) The availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses.

"(7) Domestic production of strategic and critical materials.

"(8) Civilian austerity measures.

"(c) The President shall submit with each report under this section a statement of the plans of the President for meeting the recommendations of the Secretary set forth in the report.". President of U.S.

SEC. 3203. STOCKPILE MANAGER

(a) CLARIFICATION OF CHARTER OF STOCKPILE MANAGER.—Section 6A of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e–1) is amended to read as follows:

"NATIONAL DEFENSE STOCKPILE MANAGER

President of U.S.

"SEC. 6A. (a) The President shall designate a single Federal office to have responsibility for performing the functions of the President
101 STAT. 1247 under this Act, other than under sections 7, 8, and 13. The office designated shall be one to which appointment is made by the President, by and with the advice and consent of the Senate.

"(b) The individual holding the office designated by the President under subsection (a) shall be known for purposes of functions under this Act as the 'National Defense Stockpile Manager'.

President of U.S.

"(c) The President may delegate functions of the President under this Act (other than under sections 7, 8, and 13) only to the National Defense Stockpile Manager. Any such delegation made by the President shall remain in effect until specifically revoked by law or Executive order.

"(d) During any period during which there is no officer appointed by the President, by and with the advice and consent of the Senate, serving in the position designated by the President under subsection (a) or during which the authority of the President under this Act (other than under sections 7, 8, and 13) has not been delegated to that position, no action may be taken under section 6(b) or 6(d).".

50 USC 98 note.

(b) REVOCATION OF EXISTING DELEGATION.—Effective 30 days after the date of the enactment of this Act, Executive Order 12155 is revoked and shall be of no further force and effect.

50 USC 98e–1 note

(c) SAVINGS PROVISION.—Unless otherwise directed by the President under section 6A of the Strategic and Critical Materials Stock Piling Act, as amended by subsection (a), the designation of a National Defense Stockpile Manager in effect on the day before the date of the enactment of this Act shall remain in effect until the individual so designated ceases to hold the office held by the individual at the time of the designation.

SEC. 3204. AUTHORIZED USES OF STOCKPILE TRANSACTION FUND

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by striking out subparagraph (F).

SEC. 3205. DEADLINE FOR ANNUAL MATERIALS PLAN

Section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(b)) is amended—

(1) by striking out "The President" and inserting in lieu thereof "Not later than February 15 of each year, the President"; and

(2) by striking out "each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, for the next fiscal year,".

SEC. 3206. TECHNICAL AMENDMENTS

(a) CONGRESSIONAL COMMITTEE ACTION.—Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out "or until" in the first sentence and all that follows through "proposed transaction".

(b) SECTION HEADING.—Such Act is amended by inserting before section 13 (50 U.S.C. 98h–4) the following:

"IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS".

(c) SURPLUS WORDS.—Section 13 of such Act is amended by striking out "Notwithstanding any other provision of law, on and after January 1, 1972, the" and inserting in lieu thereof "The".

TITLE III—CIVIL DEFENSE

SEC. 3301. AUTHORIZATION OF APPROPRIATION

There is hereby authorized to be appropriated $134,806,000 for fiscal year 1988 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

SEC. 3302. WITHHOLDING OF FUNDS FOR FAILURE OR REFUSAL TO PARTICIPATE IN SIMULATED NUCLEAR ATTACK EXERCISE

Funds available to the Federal Emergency Management Agency for fiscal years 1987 and 1988 for obligation under the Federal Civil Defense Act of 1950 may not be withheld or withdrawn on or after the date of the enactment of this Act from any State or any other entity on the basis of the failure or refusal of such State or other entity to participate in a simulated nuclear attack exercise. Any such funds withheld from payment to a State or other entity before the date of the enactment of this Act on such basis shall be paid to such State or other entity, as the case may be, at the earliest practicable date after the date of the enactment of this Act.

Approved December 4, 1987.

LEGISLATIVE HISTORY—H.R. 1748 (S. 1174):

HOUSE REPORTS: No. 100-58 (Comm. on Armed Services).
SENATE REPORTS: No. 100-57 accompanying S. 1174 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 133 (1987):
May 4-8, 11-13, 18-20, considered and passed House.
Sept. 11, 15-18, 22-26, 28-30, Oct. 1, 2, S. 1174 considered in Senate; H.R. 1748, amended, passed in lieu.
Nov. 18, House agreed to conference report.
Nov. 19, Senate agreed to conference report.

Public Law 100-213
100th Congress

101 STAT. 1444

An Act

To amend the Arms Control and Disarmament Act to authorize appropriations for the fiscal years 1988 and 1989 for the Arms Control and Disarmament Agency, and for other purposes.

Dec. 24, 1987
[H.R. 2689]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Arms Control and Disarmament Amendments Act of 1987.
22 USC 2551 note.

This Act may be cited as the "Arms Control and Disarmament Amendments Act of 1987".

SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS.

Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended to read as follows:

"(a)(1) To carry out the purposes of this Act, there are authorized to be appropriated—

"(A) $29,000,000 for the fiscal year 1988 and $29,800,000 for fiscal year 1989; and

"(B) such additional amounts as may be necessary for each such fiscal year for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

"(2) Of the amounts authorized to be appropriated by paragraph (1)(A) for each of the fiscal years 1988 and 1989—

"(A) $7,063,000 shall be available only to pay necessary expenses incurred in connection with arms control negotiations

conducted with the Government of the Soviet Union on strategic arms reductions, intermediate-range nuclear forces, and space and defensive weapons;

"(B) not less than $310,000 shall be available only for the program for visiting scholars in the field of arms control and disarmament established under section 28 of this Act;

"(C) $780,000 shall be used for external research to assist the Bureau of Verification and Intelligence in making assessments of possible new systems, devices, and capabilities for verification of arms control;

"(D) not more than $1,560,000 may be used for any other external research program; and

"(E) a total of not more than $3,000,000 may be used for all external research.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

International organizations. Union of Soviet Socialist Republics. 22 USC 2578 note.

SEC. 3. STANDING CONSULTATIVE COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) the Standing Consultative Commission was established by the United States and the Soviet Union under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems as a framework for considering and resolving questions concerning compliance with arms control obligations; and

101 STAT. 1445

(2) the United States should raise and attempt to resolve issues relating to compliance by the United States and the Soviet Union with arms control agreements in the Standing Consultative Commission.

(b) ANNUAL REPORTS.—Title III of the Arms Control and Disarmament Act (22 U.S.C. 2571-2577) is amended by adding at the end the following:

22 USC 2578.

"SEC. 38. REPORTS ON STANDING CONSULTATIVE COMMISSION ACTIVITIES.

President of U.S. International agreements.

"The President shall submit, not later than January 31 of each year, to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report prepared by the United States Commissioner on the activities of the United States-Union of Soviet Socialist Republics Standing Consultative Commission established under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems. In preparing this report, the Commissioner should consult with former United States Commissioners and other experts. Such annual report shall include detailed information on all substantive issues raised by either party to the Treaty and the response of the other party with regard to such issues. Such annual report shall be transmitted under an injunction of secrecy, but shall be accompanied by an unclassified addendum containing such information with respect to the activities of the Commission as can be made public consistent with the need for confidentiality of Commission proceedings and the national security of the United States.".

Classified information. Public information.

(c) STUDY AND REPORT.—The Director of the United States Arms Control and Disarmament Agency shall conduct a study to determine how the Standing Consultative Commission could be used more effectively to resolve arms control compliance issues. The Director shall report the results of this study to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within 6 months after the date of enactment of this Act.

Reports. 22 USC 2579.

SEC. 4. COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES.

Title III of the Arms Control and Disarmament Act, as amended by section 3(b) of this Act, is further amended by adding at the end the following:

"SEC. 39. COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES.

"Pursuant to his responsibilities under section 31 of this Act, and in order to enhance Congressional and public understanding of arms control and disarmament issues, the Director shall provide to the Congress not later than June 30 of each year a report setting forth—

"(1) a comprehensive list of studies relating to arms control and disarmament issues concluded during the previous calendar year by government agencies or for government agencies by private or public institutions or persons; and

"(2) a brief description of each such study.

This report shall be unclassified, with a classified addendum if necessary.".

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SEC. 5. COMPLIANCE REPORTS.

Section 52 of the Arms Control and Disarmament Act (22 U.S.C. 2591) is amended— 22 USC 2592

(1) in paragraph (1)—

(A) by inserting ", the Soviet Union, and other nations" after "adherence of the United States"; and

(B) by inserting "the Soviet Union and" after "compliance by"; and

(2) by striking out "and" at the end of paragraph (2) and by redesignating paragraph (3) as paragraph (5);

(3) by inserting the following after paragraph (2):

"(3) the section of the report dealing with Soviet adherence shall include information on actions taken by the Soviet Union with regard to the size, structure, and disposition of its military forces in order to comply with arms control agreements;

"(4) the section of the report dealing with adherence by other nations shall include information on actions taken by each such nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control agreements; and"; and

(4) in paragraph (5), as so redesignated by this section, by inserting "the Soviet Union and" after "problems of compliance by".

SEC. 6. ACDA INSPECTOR GENERAL.

(a) ESTABLISHMENT.—Title IV of the Arms Control and Disarmament Act (22 U.S.C. 2581-2591) is amended by adding at the end the following:

"SEC. 53. ACDA INSPECTOR GENERAL. 22 USC 2593

"(a) ESTABLISHMENT AND DUTIES.—There shall be an Office of the Inspector General at the Agency headed by the Inspector General of the Agency who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978.

"(b) DUALITY OF APPOINTMENT.—An individual appointed to the position of Inspector General of the Department of State shall, by virtue of such appointment, also hold the position of Inspector General of the Agency.

"(c) UTILIZATION OF STAFF.—The Inspector General of the Agency shall utilize personnel of the Office of the Inspector General of the Department of State in performing the duties of the Inspector General of the Agency, and shall not appoint any individuals to positions within the Agency.

"(d) REFERENCES.—For purposes of this section, references in the Inspector General Act of 1978 to the establishment involved, to the head of the establishment, and to an Inspector General shall be deemed to be references to the Agency, the Director of the Agency, and Inspector General of the Agency, respectively, except to the extent inconsistent with this section.".

(b) SURVEY OF ACDA CLASSIFIED INFORMATION SECURITY.—Not later than 90 days after the date of enactment of this Act, the

Inspector General of the United States Arms Control and Disarmament Agency—

(1) shall conduct a survey of physical, personnel, document, and communications security programs, procedures, and practices at the Agency for the protection of classified information; and

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Reports.

(2) shall submit a report on the results of that survey, together with such recommendations for improvement of classified information security at the Agency as the Inspector General considers appropriate, to the Director of the Agency and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Approved December 24, 1987.

LEGISLATIVE HISTORY—H.R. 2689 (S. 1498):

HOUSE REPORTS: No. 100-193 (Comm. on Foreign Affairs).
SENATE REPORTS: No. 100-112 accompanying S. 1498 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 133 (1987):
June 29, considered and passed House.
July 22, considered and passed Senate, amended, in lieu of S. 1498.
Dec. 8, House concurred in Senate amendment with an amendment and disagreed with other amendment.
Dec. 11, Senate concurred in House amendment and receded from other amendment.

101 STAT. 1536

Public Law 100-224
100th Congress

An Act

Dec. 30, 1987
[H.R. 2974]

To amend title 10, United States Code, to make technical corrections in provisions of law enacted by the Military Retirement Reform Act of 1986.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Wages.

SECTION 1. COST-OF-LIVING ADJUSTMENTS OF MILITARY RETIRED PAY.

(a) RULE FOR CPI-1 FORMULA FOR NEW ENTRANTS.—Subsection (b) of section 1401a of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) SPECIAL RULE FOR PARAGRAPH (3).—If in any case in which an increase in retired pay that would otherwise be made under paragraph (3) is not made by reason of law (other than any provision of this section), then (unless otherwise provided by law) when the next increase in retired pay is made under this subsection, the increase under paragraph (3) shall be carried out so as to achieve the same net increase in retired pay under that paragraph that would have been the case if that law had not been enacted.".

(b) PRO RATING OF INITIAL CPI ADJUSTMENT FOR NEW MEMBERS.—Subsection (e) of such section is amended by striking out "only by" and all that follows in that subsection and inserting in lieu thereof the following: "by the percent (adjusted to the nearest one-tenth of 1 percent) equal to the difference between—

"(1) the percent by which—

"(A) the price index for the base quarter of that year, exceeds

"(B) the price index for the calendar quarter immediately before the calendar quarter during which the member became entitled to retired pay; and

"(2) one-fourth of 1 percent for each calendar quarter from the quarter described in paragraph (1)(B) to the quarter described in paragraph (1)(A).

If in any case the percent described in paragraph (2) exceeds the percent determined under paragraph (1), such an increase shall not be made.".

SEC. 2. RESTORAL OF BENEFITS AT AGE 62 FOR NEW RETIREMENT MEMBERS.

Section 1410 of title 10, United States Code, is amended—

(1) by striking out "(a) GENERAL RULE.—" and

(2) by striking out "the amount equal to—" and all that follows and inserting in lieu thereof "the amount equal to the amount of retired pay to which the member would be entitled on that date if—

"(1) increases in the member's retired pay under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3) of that section); and 101 STAT. 1537

"(2) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, no reduction in the member's retired pay had been made under that section.".

SEC. 3. SURVIVOR BENEFIT PLAN AMENDMENTS.

(a) ADJUSTMENT AT AGE 62 IN BASE AMOUNT.—(1) Section 1451 of title 10, United States Code, is amended—

(A) by inserting after subsection (g) the following:

"(h)(1) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the base amount applicable to each participant in the Plan shall be increased at the same time. The increase shall be by the same percent as the percent by which the retired pay of the participant is increased.

"(2) When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the base amount applicable to that person shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of the base amount that would be in effect on that date if increases in such base amount under paragraph (1) had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).";

(B) by striking out "(h) Computation" and inserting in lieu thereof "(3) Computation".

(2) Subsection (a) of such section is amended by striking out "(as the base amount is adjusted from time to time under section 1401a of this title)" in paragraphs (1)(A), (1)(B), (2)(A), and (2)(B).

(b) ADJUSTMENT AT AGE 62 IN AMOUNT OF REDUCTION IN RETIRED PAY.—Section 1452 of such title is amended by adding at the end the following new subsection:

"(i) When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the amount of the reduction in such retired pay under this section shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of such reduction that would be in effect on that date if increases in such retired pay under section 1401a(b) of this title, and increases in reductions in such retired pay under subsection (h), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).".

(c) ADJUSTMENT OF AMOUNT OF ANNUITY.—Section 1451(i) of such title is amended by striking out "on the basis of" the second place it

appears and all that follows and inserting in lieu thereof "so as to be the amount equal to the amount of the annuity that would be in effect on that date if increases under subsection (h)(1) in the base amount applicable to that annuity to the time of the death of the member or former member, and increases in such annuity under subsection (g)(1), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).".

101 STAT. 1538

SEC. 4. INVOLUNTARY RELEASE FROM ACTIVE DUTY FOR CERTAIN RESERVE MEMBERS.

Section 1163(d) of title 10, United States Code, is amended by inserting "(other than for training)" after "active duty".

SEC. 5. OTHER TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 100-180.—(1) The table relating to warrant officers in section 305a(b) of title 37, United States Code (as amended by section 621(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180)), is amended by striking out "Over 13" and inserting in lieu thereof "Over 14".

(2) Section 301c(b) of title 37, United States Code (as amended by section 623(b) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180)), is amended in the matter preceding the tables by striking out "(b) The monthly rates for special pay under subsection (a) are as follows:".

10 USC 2437.

(3) Section 803(b) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) is amended by striking out "Section 2437" and inserting in lieu thereof "Section 2437(a)".

10 USC 2437 note.

(4) The amendments made by this subsection shall apply as if included in Public Law 100-180 as enacted on December 4, 1987.

(b) TITLE 10.—(1) Section 1450(f)(3)(A) of title 10, United States Code, is amended by striking out the second comma after "required by a court order to make such an election".

(2) Section 2327 of such title is amended by inserting "App." after "(50 U.S.C." in subsections (a) and (b)(2).

(3) The item relating to section 2690 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2690. Fuel sources for heating systems; prohibition on converting certain heating facilities.".

(4) The item relating to section 5898 in the table of sections at the beginning of chapter 549 of such title is amended to read as follows:

"5898. Action on reports of selection boards.".

Approved December 30, 1987.

LEGISLATIVE HISTORY—H.R. 2974:

HOUSE REPORTS: No. 100-231 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 28, considered and passed House.
Aug. 6, considered and passed Senate, amended.
Dec. 16, House concurred in Senate amendment with amendment.
Dec. 17, Senate concurred in House amendment.

EDUCATION ACT

Public Law 100-50
100th Congress

101 STAT. 335

An Act

To make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes.

June 3, 1987
[H.R. 1846]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Higher Education Technical Amendments Act of 1987.
20 USC 1001 note.

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments Act of 1987".

(b) REFERENCE.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

SEC. 2. INSTITUTIONAL AID.

(a) TECHNICAL PROVISIONS.—Title III of the Act is amended—

(1) in section 311(b)(1), by striking out "section 358(a)(1)" and inserting "section 360(a)(1)"; 20 USC 1057.

(2) in section 312(b)(1)— 20 USC 1058.

(A) by inserting "which" before "is" each place it appears in subparagraphs (C) and (D);

(B) by inserting "which" before "has" in subparagraph (E); and

(C) by inserting "which" before "meets" in subparagraph (F);

(3) in section 312(b)(3), by striking out "subparagraphs (A) and (B)" and inserting in lieu thereof "subparagraphs (A), (B), (C), and (D)";

(4) in section 312(b)(5), by striking out "subparagraphs (A) and (B)" and inserting in lieu thereof "subparagraphs (A), (B), (C), and (D)";

(5) in section 312(c)(1), by inserting "in the second fiscal year preceding the fiscal year for which the determination is being made" immediately after "Act";

(6) in section 312(c)(2)—

(A) by striking out "preceding fiscal year," and inserting in lieu thereof "fiscal year preceding the fiscal year for which determination is being made,"; and

(B) by striking out "such fiscal year" and inserting in lieu thereof "second preceding fiscal year";

(7) in section 323(a), by striking out "section 358(a)(2)" and inserting "section 360(a)(2)"; 20 USC 1062.

(8) in section 325(a)(1), by striking out "section 322" and inserting "section 323"; 20 USC 1063a.

(9) in section 326(a)(2), by inserting before the period at the end thereof the following: "except that the Morehouse School of Medicine shall receive at least $3,000,000"; Morehouse School of Medicine.

(10) in section 326(c), by striking out "section 333" and inserting "section 332"; 20 USC 1063b.

(11) in section 327(a), by striking out "Act" and inserting in lieu thereof "part"; 20 USC 1063c.

(12) in section 332(f)(1), by inserting "(or section 355)" after "part A or B"; 20 USC 1065.

(13) in section 351(b)(6), by striking out "section 356" and inserting "section 357"; 20 USC 1066.

20 USC 1067.

(14) in section 352(a)(2), by striking out "low- and middle-income" and inserting "low-income";

(15) in section 352(b), by adding at the end thereof the following:

Indians.
20 USC 1058.

"(3) The Secretary may waive the requirement set forth in section 312(b)(1)(E) in the case of an institution located on or near an Indian reservation or a substantial population of Indians, if the Secretary determines that the waiver will substantially increase higher education opportunities appropriate to the needs of American Indians.";

20 USC 1069a.

(16) in section 355(a) by inserting "or part B" immediately after "part A" each place it appears; and

(17) in section 355(b), by inserting "part A or" immediately before "part B" each place it appears.

(b) APPLICATION REVIEW PROCESS.—Part A of title III of the Act is amended by adding at the end thereof the following new section:

"APPLICATION REVIEW PROCESS

20 USC 1059a.

"SEC. 314. (a) REVIEW PANEL.—(1) All applications submitted under part A by institutions of higher education shall be read by a panel of readers composed of individuals selected by the Secretary which shall include outside readers who are not employees of the Federal Government. The Secretary shall ensure that no individual assigned under this section to review any application has any conflict of interest with regard to that application which might impair the impartiality with which that individual conducts the review under this section.

Minorities.

"(2) The Secretary shall take care to include as readers representatives of historically and predominantly Black colleges, Hispanic institutions, Native American colleges and universities, and institutions with substantial numbers of students who are Hispanic, Native American, Asian American, and Native American Pacific Islander (including Native Hawaiians).

"(3) All readers selected by the Secretary shall receive thorough instruction from the Secretary regarding the evaluation process for applications submitted under part A, including—

Grants.
20 USC 1057.

"(A) explanations and examples of the types of activities referred to in section 311(b) that must receive special consideration for grants awarded under part A;

"(B) an enumeration of the factors to be used to determine the quality of applications submitted under part A; and

Grants.

"(C) an enumeration of the factors to be used to determine whether a grant should be awarded for a project under part A, the amount of any such grant, and the duration of any such grant.

Grants.

"(b) RECOMMENDATIONS OF PANEL.—In awarding grants under part A, the Secretary shall take into consideration the recommendations of the panel established under subsection (a).

"(c) NOTIFICATION.—Not later than June 30 of each year, the Secretary shall notify each institution of higher education making an application under part A of—

"(1) the scores given the applicant by the panel pursuant to this section;

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"(2) the recommendations of the panel with respect to such application; and

Grants.

"(3) the reasons for the decision of the Secretary in awarding or refusing to award a grant under part A and any modifications, if any, in the recommendations of the panel made by the Secretary.".

SEC. 3. PELL GRANTS.

20 USC 1070a.

(a) CLARIFICATION OF REFERENCE.—Section 411(g)(2) of the Act is amended by striking out "paragraph (1)" and inserting "paragraph (1)(B)".

20 USC 1070a-1.

(b) EXCLUSION OF FORCED SALE PROCEEDS.—(1) Section 411A of the Act is amended by adding at the end thereof the following new subsection:

"(b) EXCLUSION OF FORCED SALE PROCEEDS.—In the computation of family contributions for the program under this subpart for any academic year, there shall be excluded from family income any proceeds of a sale of farm or business assets of that family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or an involuntary liquidation.".

(2) Section 411B(g) of the Act is amended— 20 USC 1070a-2.

(A) by striking out "paragraphs (1) through (7)" in the matter preceding paragraph (1) and inserting "paragraphs (1) through (6)"; and

(B) by striking out paragraph (7).

(3) Section 411C(f) of the Act is amended— 20 USC 1070a-3.

(A) by striking out "paragraphs (1) through (7)" in the matter preceding paragraph (1) and inserting "paragraphs (1) through (6)"; and

(B) by striking out paragraph (7).

(4) Section 411D(f) of the Act is amended by striking out paragraph (5). 20 USC 1070a-4.

(c) TREATMENT OF EXCLUDABLE INCOME.—(1) Sections 411B(d)(1)(A), 411C(c)(1)(A), and 411D(c)(1)(A) are each amended by inserting before the semicolon ", less any excludable income (as defined in section 411F(9))".

20 USC 1070a-6.

(2) Section 411B(i)(1)(A) of the Act is amended—

(A) by striking out "other than amounts earned under part C of this title"; and

(B) by inserting before the semicolon ", less any excludable income (as defined in section 411F(9))".

(d) EFFECTIVE FAMILY INCOME.—Section 411B(d)(1) of the Act is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out "minus" at the end of subparagraph (B) and inserting "and"; and

(3) by inserting after such subparagraph the following:

"(C) one-half of the student's total veterans educational benefits, excluding Veterans' Administration contributory benefits, expected to be received during the award period, minus". Veterans.

(e) CONTRIBUTION FROM STUDENT'S AND SPOUSE'S ASSETS.—Section 411B(1) of the Act is amended by inserting before the period at the end thereof the following: ", except that in the case of a student who is a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero". 29 USC 1651. 20 USC 1087vv.

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(f) ASSESSMENT OF DISCRETIONARY INCOME.—(1) Section 411B(f)(1) of the Act is amended to read as follows: 20 USC 1070a-2.

"(f) ASSESSMENT OF DISCRETIONARY INCOME.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (d)), minus (B) the total offsets to such income (as determined under subsection (e)). If such discretionary income is a negative amount, the contribution from the parents' income is zero.".

(2) Section 411C(e)(1) of the Act is amended to read as follows: 20 USC 1070a-3.

"(e) ASSESSMENT OF DISCRETIONARY INCOME.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (c)), minus (B) the total offsets to such income (as determined under subsection (d)). If such discretionary income is a negative amount, the contribution from the student's (and spouse's) income is zero.".

(3) Section 411D(e)(1) of the Act is amended to read as follows: 20 USC 1070a-4.

"(e) ASSESSMENT OF DISCRETIONARY INCOME.—(1) The discretionary income that is assessed under this subsection is equal to (A) the effective family income (as determined under subsection (c)), minus (B) the total offsets to such income (as determined under subsection (d)). If such discretionary income is a negative amount, the contribution from the student's (and spouse's) income is zero.".

(4) Sections 411B(f)(2), 411B(j)(2), 411C(e)(2), and 411D(e)(2) of the Act are each amended by striking out "effective family income" each place it appears in the text thereof and inserting "discretionary income".

(5) The tables in sections 411B(f)(2) and 411C(e)(2) of the Act are each amended—

(A) by striking out "**Effective family income**" and inserting "**Discretionary income**"; and

(B) by striking out "effective family income" and inserting "discretionary income".

(g) TREATMENT OF DISLOCATED WORKERS AND DISPLACED HOMEMAKERS.—Sections 411B(g)(1), 411C(f)(1), and 411D(f)(3) of the Act are each amended by inserting before the period at the end of the first sentence the following: ", except that in the case of a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero".

29 USC 1651.

20 USC 1070a-6.

(h) CORRECTION OF REFERENCES.—(1) Section 411F(1)(B) is amended by striking out "paragraph (13)" and inserting "paragraph (15)".

(2) Section 411C(f)(5)(B) of the Act is amended by striking out "the calculation of effective family income required by subsection (c)" and inserting in lieu thereof "the assessment of discretionary income under subsection (e)".

(i) TUITION AND FEES.—Section 411F(5)(A) is amended by striking out "student's tuition and uniform compulsory fees" and inserting "tuition and uniform compulsory fees normally charged a full-time student".

(j) DEPENDENT OF A STUDENT.—Section 411F(6) is amended to read as follows:

"(6) Except as otherwise provided, the term (A) 'dependent of the student' means the student's spouse, the student's dependent children, and other persons who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year; and (B) the term 'dependent of the parent' means the parents of the student, the student, any of the student's dependent children, dependent children of the student's parents, including those children who are deemed to be dependent students when applying for aid under this title, and other persons who live with and receive more than one-half of their support from the parents and will continue to receive more than half of their support from the parents during the award year.".

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20 USC 1070a-6.

(k) EXCLUDABLE INCOME.—Section 411F(9) of the Act is amended—

(1) in subparagraph (A), by striking out "(B), (C), and (D)" and inserting "(B) through (E)";

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

Indians.

"(B) For a Native American Student, the annual adjusted family income does not include any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under the Per Capita Act or the Distribution of Judgment Funds Act or any income received by the student (and spouse) and student's parents under the Alaska Native Claims Settlement Act or the Maine Indians Claims Settlement Act.";

43 USC 1601 note.
25 USC 1721 note.

(3) in subparagraph (D), by inserting "(including any income earned from work under part C of this title)" after "financial assistance"; and

42 USC 2751.

(4) by adding at the end thereof the following new subparagraph:

"(E) Annual adjusted family income does not include any unemployment compensation received by a dislocated worker certified in accordance with title III of the Job Training Partnership Act.".

29 USC 1651.

(l) INDEPENDENT.—Section 411F(12) of the Act is amended—

(1) in subparagraph (B)(iii), by striking out "gradulate" and inserting "graduate"; and

(2) in subparagraph (B)(vi), by striking out "an annual total income" and by inserting in lieu thereof "annual total resources (including all sources of resources other than parents)".

(m) UNTAXED INCOME AND BENEFITS.—Section 411F(15) of the Act is amended to read as follows:

"(15) The term 'untaxed income and benefits' means—

"(A) child support received;

"(B) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children; 42 USC 601.

"(C) workman's compensation;

"(D) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(E) interest on tax-free bonds;

"(F) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(G) cash support or any money paid on the student's behalf;

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"(H) the amount of earned income credit claimed for Federal income tax purposes;

"(I) untaxed portion of pensions;

"(J) credit for Federal tax on special fuels;

"(K) the amount of foreign income excluded for purposes of Federal income taxes;

"(L) untaxed social security benefits;

"(M) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes; and

"(N) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits.". 29 USC 1501 note.

SEC. 4. SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) FORMULA.—Section 413D(d)(2) of the Act is amended— 20 USC 1070b-3.

(1) by striking out subparagraph (D) and inserting the following:

"(D) multiply the number of eligible dependent students in each income category by 75 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C), minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;"; and

(2) by striking out subparagraph (F) and inserting the following:

"(F) multiply the number of eligible independent students in each income category by 75 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C), minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;".

(b) TECHNICAL AMENDMENTS.—(1) Section 413D(d)(3)(A) of the Act is amended by striking out "and for graduate and professional students".

(2) Section 413D(d)(3)(B) is amended—

(A) by striking out "and graduate and professional"; and

(B) by striking out "and graduate".

SEC. 5. STATE STUDENT INCENTIVE GRANTS.

20 USC 1070c-4.

Section 415E(1) of the Act is amended by striking out "literary" and inserting "literacy".

SEC. 6. STUDENT SUPPORT SERVICES.

20 USC 1070d-1b.

Section 417D(d) of the Higher Education Act of 1965 is amended by striking out "Post-Baccalaureate Achievement Program" and inserting in lieu thereof "Ronald E. McNair Post-Baccalaureate Achievement Program".

SEC. 7. SEPARATION OF HEP/CAMP AUTHORIZATION.

20 USC 1070d-2.

Section 418A(g) of the Act is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized

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to be appropriated for the high school equivalency program $7,000,000 for fiscal year 1987 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) There are authorized to be appropriated for the college assistance migrant program $2,000,000 for fiscal year 1987 and such sums as may be necessary for each of the four succeeding fiscal years.".

SEC. 8. VETERANS' EDUCATION OUTREACH.

20 USC 1070e-1.

Section 420A of the Act is amended—

(1) in subsection (b)(2)(B), by striking out "subchapter V or VI" and inserting "subchapter V";

(2) in subsection (b)(5), by striking out "paragraph (3)(A)" and inserting "paragraph (4)(A)";

(3) in subsection (c)(2)(A)(i), by striking out "subsection (e)" and inserting "subsection (b)(5)"; and

(4) in subsection (c)(2)(C)(ii)—

(A) by striking out "(I)"; and

(B) by striking out "and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34".

SEC. 9. SPECIAL CHILD CARE SERVICES.

20 USC 1070f.

Section 420B of the Act is amended—

(1) in subsection (b)(2)—

(A) by striking out "to pursue a successful program" in subparagraph (C) and inserting "to pursue successfully a program";

(B) by striking out subparagraph (B); and

(C) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(2) by striking out subsection (d) and inserting the following:

"(d) DEFINITION.—For purposes of this subpart, the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using the criteria of poverty established by the Bureau of the Census."

SEC. 10. GUARANTEED STUDENT LOANS.

(a) INAPPLICABILITY OF AGGREGATE LOAN LIMITS TO SUPPLEMENTAL AND PLUS LOANS.—Sections 425(a)(2)(A) and 428(b)(1)(B) are each

20 USC 1075, 1078.

amended—

(1) in clause (i), by inserting ", excluding loans made under section 428A or 428B" after "undergraduate education"; and

(2) in clause (ii) by inserting ", excluding loans made under section 428A or 428B" after "graduate or professional student)".

(b) TEACHER DEFERMENT; INTERNSHIP DEFERMENT.—(1) Sections

20 USC 1077.

427(a)(2)(C)(vi) and 428(b)(1)(M)(vi) of the Act are each amended by inserting "nonprofit" before "private".

Hospitals. Health care facilities.

(2) Sections 427(a)(2)(C)(vii) and 428(b)(1)(M)(vii) of the Act are each amended by inserting before the semicolon at the end thereof the following: "or serving in an internship or residency program leading

to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers post-graduate training".

(c) MULTIPLE DISBURSEMENT.—Sections 427(a)(4) and 428(b)(1)(O) of the Act are each amended by striking out "more than $1,000" and inserting "$1,000 or more".

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(d) VARIABLE INTEREST RATES ON SUPPLEMENTAL AND PLUS LOANS.—(1) Section 427A(c)(4) of the Act is amended— 20 USC 1077a.

(A) in subparagraph (A), by striking out "to cover the cost of instruction for any period of enrollment beginning on or after July 1, 1987," and inserting "and disbursed on or after July 1, 1987,";

(B) in such subparagraph (A), by striking out "any calendar year" and inserting "any 12-month period beginning on July 1 and ending on June 30"; and

(C) by striking out subparagraph (B) and inserting the following:

"(B) For any 12-month period beginning on July 1 and ending on June 30, the rate determined under this subparagraph is determined on the preceding June 1 and is equal to—

"(i) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 3.25 percent.".

(2) Section 438(b)(2)(C) of the Act is amended by striking out "12.5 percent" and inserting "12 percent". 20 USC 1087-1.

(e) COMPLIANCE WITH LOAN LIMITS.—Section 428(a)(2)(D) of the Act is amended by striking out "permits the student" and inserting "certifies the eligibility of any student". 20 USC 1078.

(f) INSURANCE PROGRAM AGREEMENTS.—Section 428(b)(1) of the Act is amended—

(1) by striking out "first or" in subparagraph (A)(i) and inserting "first and";

(2) by inserting before the semicolon at the end of subparagraph (N) the following: "and except in the case of attendance at an institution outside the United States, the funds shall be delivered directly to the student";

(3) by striking out "being dispensed" in subparagraph (O)(i) and inserting "being disbursed";

(4) by striking out subparagraph (P) and inserting the following:

"(P) requires the borrower to notify the institution concerning any change in local address during enrollment and requires the borrower and the institution at which the borrower is in attendance promptly to notify the holder of the loan, directly or through the guaranty agency, concerning (i) any change of permanent address, (ii) when the student ceases to be enrolled on at least a half-time basis, and (iii) any other change in status, when such change in status affects the student's eligibility for the loan;"; and

(5) by inserting in subparagraph (T) after "eligible institutions" the following: "(other than nonresidential correspondence schools)".

(g) CLARIFICATION OF REFERENCE.—Section 428(b)(5) of the Act is amended by striking out "paragraph (1)(M)" and inserting "paragraph (1)(M)(i)(III)".

(h) GUARANTY AGENCY INFORMATION TRANSFERS.—Section 428(b)(6) of the Act is amended—

(1) in subparagraph (A), by striking out "Prior to the implementation of section 485B" and inserting "Until such time as the Secretary has implemented section 485B and is able to provide to guaranty agencies the information required by such section"; and 20 USC 1092b.

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(2) in subparagraph (B), by striking out clause (ii) and inserting the following:

"(ii) the amount borrowed and the cumulative amount borrowed.".

20 USC 1078.

(i) SUPPLEMENTAL PRECLAIMS ASSISTANCE.—Section 428(c)(6)(C)(iv) of the Act is amended by adding at the end thereof the following: "In the case of accounts brought into repayment status as a result of performing supplemental preclaims assistance, the cost of such assistance is a permissible charge to the borrower (for the cost of collection) for which the borrower shall be liable.".

(j) SECRETARY'S EQUITABLE SHARE; GARNISHMENT.—Section 428(c)(6)(D) of the Act is amended by inserting "and enforces" after "enacts".

(k) REINSURANCE FEES.—Section 428(c)(9) of the Act is amended—

(1) by inserting "covered" before "loans" each place it appears in clauses (i) and (ii) of subparagraph (A); and

(2) by adding at the end thereof the following new subparagraph:

"(D) For purposes of subparagraph (A), the term 'covered loans' means loans made under this part to which the insurance applies, but does not include loans made under section 428A(d), 428B(d), or 428C.".

20 USC 1078-1.
20 USC 1078-2, 1078-3.

(l) ESCROW OF DISBURSEMENTS.—(1) The first sentence of section 428(i)(1) of the Act is amended by striking out "multiple".

(2) The third sentence of section 428(i)(1) of the Act is amended by striking out "45" and inserting in lieu thereof "21".

(m) LENDERS-OF-LAST-RESORT.—Section 428(j) is amended by adding at the end thereof the following new sentence: "The guaranty agency shall consider the request of any eligible lender, as defined under section 435(d)(1)(A) of this Act, to serve as the lender-of-last-resort pursuant to this subsection.".

20 USC 1085.

(n) USE OF SUPPLEMENTAL LOAN PROGRAM BY UNDERGRADUATES.—Section 428A(a) of the Act is amended by adding at the end thereof the following: "In addition, undergraduate dependent students shall be eligible to borrow funds under this section if the financial aid administrator determines, after review of the financial information submitted by the student and considering the debt burden of the student, that extenuating circumstances will likely preclude the student's parents from borrowing under section 428B for purposes of the expected family contribution and that the student's family is otherwise unable to provide such expected family contribution.".

(o) LOAN DEFERMENTS FOR SUPPLEMENTAL AND PLUS LOANS.—(1) Sections 428A(c)(2) and 428B(c)(2) of the Act is amended by striking out "and interest" after "principal" the first time it appears.

(2) Section 428B of the Act is amended—

(A) in subsection (a), by striking out ", but such a parent borrower" and all that follows through "clauses (i), (viii), and (ix) of such sections";

20 USC 1077.

(B) in subsection (c)(1), by striking out "subject to deferral pursuant to sections 427(a)(2)(C) (i), (viii), and (ix) and 428(b)(1)(M) (i), (viii), and (ix)" and inserting in lieu thereof "subject to deferral (A) during any period during which the parent meets the conditions required for a deferral under clause (i), (viii), or (ix) of section 427(a)(2)(C) or 428(b)(1)(M); and (B) during any period during which the borrower has a dependent

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student for whom a loan obligation was incurred under this section and who meets the conditions required for a deferral under clause (i) of either such section"; and

(C) in subsection (c)(2), by striking out "under sections 427(a)(2)(C)(i) and 428(b)(1)(M)(i)" and inserting "pursuant to paragraph (1) of this subsection".

20 USC 1078-1.

(p) LIMITATION ON SUPPLEMENTAL AND PLUS LOANS.—(1) Section 428A(b)(3) of the Act is amended by striking out the first sentence and inserting the following: "Any loan under this section may be counted as part of the expected family contribution in the determination of need under this title, but no loan may be made to any student under this section for any academic year in excess of (A) the student's estimated cost of attendance, minus (B) other financial aid as certified by the eligible institution under section 428(a)(2)(A).".

20 USC 1078.
20 USC 1078-2.

(2) Section 428B(b)(3) of the Act is amended by striking out the

first sentence and inserting the following: "Any loan under this section may be counted as part of the expected family contribution in the determination of need under this title, but no loan may be made to any parent under this section for any academic year in excess of (A) the student's estimated cost of attendance, minus (B) other financial aid as certified by the eligible institution under section 428(a)(2)(A).".

(q) REPAYMENT OF SUPPLEMENTAL AND PLUS LOANS.—Sections 428A(c)(2)(A) and 428B(c)(2)(A) of the Act are each amended by inserting "monthly or" before "quarterly".

(r) REFINANCING OF SUPPLEMENTAL AND PLUS LOANS.—(1) Sections 428A(d) and 428B(d) of the Act are each amended—

(A) in paragraph (1)—

(i) by inserting "at any time" after "An eligible lender may" in the first sentence;

(ii) by striking out "Unless the borrower complies with the requirements of paragraph (2)," in the second sentence and inserting "Unless the consolidated loan is obtained by a borrower who is electing to obtain variable interest under paragraph (2) or (3),"; and

(iii) by inserting "(if required by them)" after "shall be reported" in the third sentence;

(B) in paragraph (2)—

(i) by inserting "under this section before July 1, 1987, or" before "under section 428B";

(ii) by striking out "to reissue a loan" and inserting "to reissue a loan or loans"; and

(iii) by striking out "reissuing such loan" and inserting "reissuing such loan or loans"; and

(C) in paragraph (5)—

(i) by striking out "January 1, 1987" and inserting "October 1, 1987"; and

(ii) by inserting before the semicolon at the end of subparagraph (B) the following: "and of the practical consequences of such options in terms of interest rates and monthly and total payments for a set of loan examples".

(2) An eligible lender who has refinanced a loan or loans under section 428A(d) or 428B(d) between the date of enactment of the Higher Education Amendments of 1986 and July 1, 1987, may, at the request of a borrower or with the written consent of the borrower, amend the note or other written evidence of loan as necessary to comply with the requirements of such sections and section 427A(c)(4) as amended by this Act. Any borrower who is denied such a request shall be treated as eligible to obtain a loan from another lender under section 428A(d)(3) or 428B(d)(3), as applicable, for the purposes of discharging the loan from the original lender, and a borrower exercising this option shall not be subject to an additional insurance fee under section 428A(d)(3)(C) or 428B(d)(3)(C).

20 USC 1078-1 note.
20 USC 1001 note.
20 USC 1077a.
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20 USC 1078-1; 1078-2.

(s) CONSOLIDATION LOANS.—Section 428C of the Act is amended— 20 USC 1078-3.

(1) in subsection (a)(1)(C), by striking out "(C) and (E)" and inserting in lieu thereof "(C), (E), and (J)";

(2) in subsection (a)(3)(A)—

(A) in division (i), by adding "and" at the end thereof;

(B) in division (ii), by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof a period; and

(C) by striking out division (iii);

(3) in subsection (a)(3)(B)—

(A) by striking out "loans received under this title" in the first sentence and inserting "eligible student loans received";

(B) by striking out "under this part" and inserting "under this title";

(C) by striking out "and 428(b)(1)(B)" in the second sentence and inserting ", 428(b)(1)(B), 428A(b)(2), and 464(a)(2)"; and

(D) by adding at the end thereof the following new sentence: "Nothing in this subparagraph shall be interpreted to authorize the Secretary to require lenders, holders, or guarantors of consolidation loans to receive, to maintain, or to make reports with respect to pre-existing records relating to any eligible student loan (as defined under section 428C(a)(4)) discharged by a borrower in receiving a consolidation loan.";

(4) in subsection (a)(4)(A), by inserting before the semicolon at the end thereof a comma and the following: "except for loans made to parent borrowers under section 428B, including loans made to parent borrowers under section 428B as in effect prior to the enactment of the Higher Education Amendments of 1986";

20 USC 1061 note.

(5) in subsection (b)(1)(C)—

(A) by striking out "subsection (a)(2)" in clause (i) and inserting "subsection (a)(3)"; and

(B) by striking out "all loans received by the eligible borrower under this title" in clause (ii) and inserting "all eligible student loans received by the eligible borrower";

(6) in subsection (c)(2)(A)(v), by striking out "more" and inserting "equal to or greater"; and

(7) in subsection (c)(5), by inserting before the period at the end thereof the following: ", but a fee may be payable by the lender to the guaranty agency to cover the costs of increased or extended liability with respect to such loan".

(t) STATE GARNISHMENT PROGRAM.—Section 428E of the Act is amended— 20 USC 1078-5.

(1) in subsection (a)(1) by inserting before the semicolon a comma and the following: "except that any State which has a garnishment law in effect on the date of the enactment of the Higher Education Amendments of 1986 which provides for the deduction of an amount not to exceed 15 percent of disposable pay, shall be deemed to meet the requirements of this paragraph";

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(2) in subsection (a)(6), by striking out "proper notice under paragraph (2)," and inserting in lieu thereof "notice of the withholding order,"; and

(3) in subsection (c), by striking out "notice given to the employer pursuant to subsection (a)(2)" and inserting in lieu thereof "notice of the withholding order".

(u) REHABILITATION PROGRAM.—Section 428F of the Act is amended— 20 USC 1078-6.

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(v) INFORMATION CONCERNING BORROWERS.—Section 430A(e) of the Act is amended by adding at the end thereof the following new sentence: "To further the purpose of this section, an eligible institution may enter into an arrangement with any or all of the holders of delinquent loans made to borrowers who attend or previously attended such institution for the purpose of providing current information regarding the borrower's location or employment or for the purpose of assisting the holder in contacting and influencing borrowers to avoid default.". 20 USC 1080a.

(w) CLARIFICATION OF REFERENCE.—Section 431(a) of the Act is amended by striking out "section 422(c)(4)(C)" and inserting "section 422". 20 USC 1081.

(x) AUDITS OF FINANCIAL TRANSACTIONS.—Section 432(f) of the Act is amended by inserting after paragraph (3) the following new paragraph: 20 USC 1082.

"(4) AUDIT PROCEDURES.—In conducting audits pursuant to this subsection, the Comptroller General and the Inspector General of the Department of Education shall audit the records to determine the extent to which they, at a minimum, comply

with Federal statutes, and rules and regulations prescribed by the Secretary, in effect at the time that the record was made, and in no case shall the Comptroller General or the Inspector General apply subsequently determined standards, procedures, or regulations to the records of such agency, lender, or Authority.".

(y) CIVIL PENALTIES.—Section 432(g)(2) of the Act is amended by striking out "representation" each place it appears in subparagraphs (A)(i) and (B) and inserting in lieu thereof "misrepresentation".

(z) STUDENT LOAN INFORMATION.—Section 433 of the Act is amended— 20 USC 1083.

(1) in the first sentence of subsection (a), by inserting "(other than a loan made under section 428C)" after "guaranteed under this part"; 20 USC 1078-3.

(2) in subsection (a), by striking out paragraph (8) and inserting the following:

"(8) a statement of the total cumulative balance, including the loan applied for, owed by the student to that lender, and an estimate of the projected monthly payment, given such cumulative balance;";

(3) in subsection (b)(7), by inserting before the semicolon at the end thereof the following: ", except that such explanation is not required when the loan being made is a consolidation loan under section 428C"; and

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(4) in subsection (d), by striking out "makes the first disbursement of a loan with respect to a borrower" and inserting "notifies a borrower of approval of a loan".

(aa) DEFINITIONS.—Section 435 of the Act is amended— 20 USC 1085.

(1) in subsection (b)(3), by inserting before the semicolon the following: ", or in the case of a hospital or health care facility, which provides training of not less than one year for graduates of accredited health professions programs, leading to a degree or certificate upon completion of such training"; Hospitals. Health care facilities.

(2) in subsection (d)(1)—

(A) by striking out "and" at the end of subparagraph (H);

(B) by striking out the period at the end of subparagraph (I) and inserting "; and"; and

(C) by inserting after such subparagraph the following:

"(J) for purpose of making loans under section 428C, any nonprofit private agency functioning in any State as a secondary market."; State and local governments. 20 USC 1078-3.

(3) in section 435(d)(2)—

(A) by striking out "and" at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon; and

(C) by inserting after subparagraph (B) the following:

"(C) shall make loans to not more than 50 percent of the undergraduate students at the institutions; and

"(D) shall not make a loan, other than a loan to a graduate or professional student, unless the borrower has previously received a loan from the school or has been denied a loan by an eligible lender;

except that the requirements of subparagraphs (C) and (D) shall not apply with respect to loans made, and loan commitments made, after the date of enactment of the Higher Education Amendments of 1986 and prior to July 1, 1987."; 20 USC 1001 note.

(4) by striking out paragraph (2) of subsection (g) and inserting the following:

"(2) DISABLED DEPENDENT OF A BORROWER.—Such term when used with respect to a disabled dependent of a borrower means a spouse or other dependent who, during a period of injury or illness of not less than 3 months, requires continuous nursing or similar services."; and

(5) by striking out "DEFINITION OF" in the heading of subsection (h).

20 USC 1087-1. (bb) SPECIAL ALLOWANCES.—Section 438(b) of the Act is amended—

(1) by striking out "subsection (c)" in paragraph (2)(B)(iii) and inserting "subsection (d)"; and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) USE OF AVERAGE QUARTERLY BALANCE.—The Secretary shall permit lenders to calculate interest benefits and special allowance through the use of the average quarterly balance method until July 1, 1988.".

(cc) REPORT ON SPECIAL ALLOWANCES.—Section 438(d)(4)(C) of the Act is amended by striking out ", as evidenced by the information submitted under paragraph (2)(G) of this subsection".

(dd) CORRECTION OF REFERENCE.—Section 439(d)(1)(E)(iii) of the Act

20 USC 1087-2. is amended by inserting "Labor and" before "Human Resources".

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SEC. 11. COLLEGE WORK-STUDY.

42 USC 2752. (a) REALLOCATION.—Section 442(e)(2) of the Act is amended—

(1) by inserting "not to exceed" immediately before "25 percent";

(2) by striking out "section 448" and inserting in lieu thereof "section 447"; and

(3) by striking out "subsection (c)" and inserting in lieu thereof "section 447(c)".

(b) WORK-STUDY AGREEMENTS.—Section 443(b) of the Act is

42 USC 2753. amended—

(1) in paragraph (2)(A), by striking out "clause (6)(B)" and inserting "paragraph (5)(B)"; and

(2) in paragraph (5)(B), by striking out "clause (2)(A)" and inserting "paragraph (2)(A)".

(c) PRIVATE SECTOR AGREEMENT.—(1) Section 443(c) of the Act is amended by striking out "In addition to the" and inserting in lieu thereof "As part of its agreement".

(2) Section 443(c)(1) of the Act is amended by inserting "and subsection (b)(3)" before the semicolon.

(d) JOB LOCATION AND DEVELOPMENT AGREEMENTS.—Section 446(b)

42 USC 2756. of the Act is amended—

(1) by striking out paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 12. INCOME CONTINGENT LOAN DEMONSTRATION.

20 USC 1087d. Section 454(a)(4) of the Act is amended to read as follows:

"(4)(A) The interest rate on loans under this part shall, at the discretion of the participating institution, be (i) computed in accordance with subparagraph (B) based on the interest rate computed for the calendar year in which the loan was made, and fixed over the life of the loan, or (ii) variable each calendar year based on the interest rate computed in accordance with subparagraph (B) for such calendar year.

"(B) The interest rate applicable on such loans in accordance with subparagraph (A) shall be obtained by—

"(i) computing the average of the bond equivalent rates of 91-day Treasury bills auctioned for the 3-month period ending September 30 preceding such year; and

"(ii) by adding 3 percent to the resulting percent.".

SEC. 13. DIRECT STUDENT LOANS.

(a) ALLOCATIONS IN PROPORTION TO FISCAL YEAR 1985 FEDERAL

20 USC 1087bb. CAPITAL CONTRIBUTION.—Section 462(a)(1) of the Act is amended by striking out subparagraph (A) and inserting the following:

"(A) 100 percent of the amount of Federal capital contribution such institution received under this part for fiscal year 1985, multiplied by".

(b) CORRECTION OF REFERENCE.—Section 462(d) of the Act is amended by redesignating paragraph (3) the second time it appears as paragraph (4).

(c) CORRECTION OF HEADING.—Section 462(e) of the Act is amended by striking out "; CASH ON HAND".

(d) CORRECTION OF REFERENCE.—Section 462(f) of the Act is amended by striking out "under paragraph (2)" and inserting "under subsection (g)".

(e) NOTICE OF DEFAULT.—Section 463(a)(4) is amended by striking out "given to the Secretary" and everything that follows through "semiannually" and inserting "given to the Secretary in an annual report describing the total number of loans from such fund which are in such default".

Report.
20 USC 1087cc.

(f) CORRECTION OF REFERENCE.—Section 463(b) of the Act is amended by striking out "section 485" and inserting "section 489".

(g) ESTIMATES OF BALANCES.—Section 463A(a) of the Act is amended by striking out paragraph (8) and inserting the following:

20 USC 1087cc-1.

"(8) a statement of the total cumulative balance, including the loan applied for, owed by the student to that lender, and an estimate of the projected monthly payment, given such cumulative balance;".

(h) DEFENSE EDUCATIONAL LOAN REPAYMENT.—Section 463A(a)(10) of the Act is amended by striking out "section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141, note);" and inserting "the Department of Defense educational loan repayment program (10 U.S.C. 2172);".

(i) INTERNSHIP DEFERMENT.—Section 464(c)(2)(A)(vi) is amended by inserting before the semicolon at the end thereof the following: "or serving in an internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers postgraduate training".

20 USC 1087dd.
Hospitals.
Health care facilities.

(j) REFERENCE TO OTHER PROGRAMS.—Section 465(a)(2) of the Act is amended—

20 USC 1087ee.

(1) in subparagraph (A) by striking out "title I of the Elementary and Secondary Education Act of 1965" and inserting "chapter 1 of the Education Consolidation and Improvement Act of 1981";

(2) in subparagraph (A), by striking out "such title I" and inserting "such chapter 1"; and

20 USC 3801 *et seq.*

(3) in subparagraph (B), by striking out "section 222(a)(1) of the Economic Opportunity Act of 1964" and inserting "the Head Start Act".

42 USC 9801 note.

SEC. 14. NEEDS ANALYSIS.

Part F of title IV of the Act is amended—

(1) in sections 475(c)(2), 475(c)(4), 475(d)(2), 476(b)(2), 476(c)(2), 477(b)(2), 477(c)(2), and 477(d), striking out "section 479" and inserting "section 478";

20 USC 1087oo, 1087pp, 1087qq.

(2) in sections 475(c)(7) and 477(b)(7), by striking out "National";

(3) in sections 475(d)(2), 476(c)(2), and 477(c)(2), strike out "dislocated homemaker" and insert "displaced homemaker";

(4) by striking out the table contained in sections 475(d)(2)(C), 476(c)(2)(C), and 477(c)(2)(C) and inserting the following:

"Adjusted Net Worth of a Business or Farm

If the net worth of a business or farm is—	Then the adjusted net worth is:
Less than $1	$0
$1-$60,000	40 percent of NW
$60,001-$180,000	$24,000 plus 50 percent of NW over $60,000

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"Adjusted Net Worth of a Business or Farm—Continued

If the net worth of a business or farm is—	Then the adjusted net worth is:
$180,001-$300,000	$84,000 plus 60 percent of NW over $180,000
$300,001 or more	$156,000 plus 100 percent of NW over $300,000";

20 USC 1087oo, 1087qq

(5) in sections 475(d)(4)(B) and 477(c)(4)(B), by striking out "$15,000" and inserting "$15,999";

(6) in sections 475(d)(4)(C) and 477(c)(4)(C), by striking out "$15,000" each place it appears and inserting "$16,000";

(7) in section 475(d)(4)(D), by striking out "equal to or less than zero" and inserting "less than zero";

(8) in sections 475(e) and 477(d), insert a minus sign before "$3,409" each time it appears in the chart in each such section;

(9) in section 475(g)(1)(C), by striking out "paragraph (3)" and inserting "paragraph (2)";

(10) in section 475(g)(3), by inserting after "following table" the following: "(or a successor table prescribed by the Secretary under section 478)";

20 USC 1087rr

(11) in section 475, by striking out subsection (h) and inserting the following:

"(h) STUDENT (AND SPOUSE) INCOME SUPPLEMENTAL AMOUNT FROM ASSETS.—The student (and spouse) supplemental income from assets is determined by calculating the net assets of the student (and spouse) and multiplying the amount by 35 percent, except that in the case of a student who is a dislocated worker (certified in accordance with title III of the Job Training Partnership Act) or a displaced homemaker (as defined in section 480(e) of this Act), the net value of a principal place of residence shall be considered to be zero.";

29 USC 1651
20 USC 1087vv

(12) in such section, by adding at the end thereof the following new subsection:

"(i) ADJUSTMENTS FOR ENROLLMENT PERIODS OTHER THAN 9 MONTHS.—For periods of enrollment other than nine months, the parents' contribution from adjusted available income is determined as follows:

"(1) For periods of enrollment less than 9 months, the parents' contribution from adjusted available income (determined in accordance with subsection (b)) is divided by 9 and the result multiplied by the number of months enrolled.

"(2) For periods of enrollment greater than 9 months—

"(A) the parents' adjusted available income (determined in accordance with subsection (b)(1)) is increased by the difference between the standard maintenance allowance (determined in accordance with subsection (c)(4)) for a family of four and a family of five, each with one child in college;

"(B) the resulting revised parents' adjusted available income is assessed according to subsection (e) and adjusted according to subsection (b)(3) to determine a revised parents' contribution from adjusted available income;

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"(C) the original parents' contribution from adjusted available income is subtracted from the revised parents' contribution from adjusted available income, and the result is divided by 12 to determine the monthly adjustment amount; and

"(D) the original parents' contribution from adjusted available income is increased by the product of the monthly

adjustment amount multiplied by the number of months greater than 9 for which the student will be enrolled.";

(13) in section 476(b)(1)— 20 USC 1087pp.

(A) by striking out "subparagraph (B)" in subparagraph (C) and inserting "subparagraph (C)";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D); and

(C) by striking out everything preceding clause (i) of subparagraph (A) and inserting the following:

"(A) adding the student's adjusted gross income and any income earned from work but not reported on a Federal income tax return, and subtracting excludable income (as defined in section 480); 20 USC 1087vv.

"(B) computing the student's available taxable income by deducting from the amount determined under subparagraph (A)—";

(14) in section 476(b)(2), by striking out "total taxable income" and inserting "total income";

(15) in section 476(b)(1)(C), by inserting after "section 480(c))" the following: "plus the amount of veterans' benefits paid during the award period under chapters 32, 34, and 35 of title 28, United States Code";

(16) in section 476(b)(4)—

(A) by striking out "$8,900" each place it appears and inserting "$8,600"; and

(B) by striking out "$6,230" and inserting "$6,020";

(17) in section 476(c)(1)—

(A) by striking out the period at the end of subparagraph (C) and inserting a semicolon; and

(B) by inserting at the end thereof (flush with the margin of paragraph (1)) the following:

"except that the student's income supplemental amount from assets shall not be less than zero.";

(18) in section 477(a)(1)— 20 USC 1087 qq.

(A) by striking out "and" at the end of subparagraph (A);

(B) by inserting "and" after the semicolon at the end of subparagraph (B); and

(C) by inserting after such subparagraph the following:

"(C) the amount of veterans' benefits to be paid during the award period under chapters 32, 34, and 35 of title 38, United States Code;";

(19) in section 477(b)(5)(A), by striking out "$2,000" and inserting "$2,100";

(20) in section 478(d)— 20 USC 1087rr.

(A) by inserting ", rounded to the nearest $100," after "present value cost";

(B) by inserting "of 40 and above" after "each age cohort"; and

(C) by inserting after the second sentence the following: "For each age cohort below 40, the asset protection allowance shall be computed by decreasing the asset protection allowance for age 40, as updated, by one-fifteenth for each year of age below age 40 and rounding the result to the nearest $100.";

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(21) in section 478(c)(2), by striking out "'$26,000', '$91,000', and '$169,000'" and inserting "'$24,000', '$84,000', and '$156,000'"; 20 USC 1087rr.

(22) in section 478(f), by striking out "Consumer Price Index for Wage Earners and Clerical Workers" and inserting in lieu thereof "Consumer Price Index for All Urban Consumers";

(23) in section 479(a)— 20 USC 1087ss.

(A) by striking out "paragraph (2)" and inserting "subsection (b)";

(B) by striking out "families which" and inserting "families (1) who"; and

(C) by striking out "and which file a form 1040A pursuant to the Internal Revenue Code of 1954" and inserting "and (2) who file a form 1040A or 1040EZ pursuant to the Internal Revenue Code of 1986, or are not required to file pursuant to such Code";

26 USC 1 *et seq.*

(24) in section 479(b)—

(A) by striking out "and State" in paragraph (2);

(B) by striking out "and" at the end of paragraph (4);

(C) by striking out the period at the end of paragraph (5) and inserting "; and"; and

(D) by inserting after paragraph (5) the following new paragraph:

State and local governments.
Taxes.
20 USC 1087*oo*, 1087*qq*.
20 USC 1087*pp*

"(6) an allowance (A) for State and other taxes, as defined in section 475(c)(2) for dependent students and in section 477(b)(2) for independent students with dependents, or (B) for State and local income taxes, as defined in section 476(b)(2) for independent students without dependents.";

(25) in section 479, by adding at the end thereof the following new subsection:

"(c) SIMPLIFIED APPLICATION FORM.—The Secretary shall develop and use a simplified application form for families described in this section to qualify for the use of a simplified needs analysis.";

20 USC 1087tt.

(26) by striking out section 479A and inserting in lieu thereof the following:

"DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS

"SEC. 479A. (a) IN GENERAL.—Nothing in this title shall be interpreted as limiting the authority of the student financial aid administrator, on the basis of adequate documentation, to make necessary adjustments to the cost of attendance and expected student or parent contribution (or both) to allow for treatment of individual students with special circumstances. In addition, nothing in this title shall be interpreted as limiting the authority of the student financial aid administrator to use supplementary information about the financial status or personal circumstance of eligible applicants in selecting recipients and determining the amount of awards under subparts 1 and 2 of part A and parts B, C, and E of this title.

"(b) ADJUSTMENTS TO ASSETS TAKEN INTO ACCOUNT.—A student financial aid administrator shall be considered to be making a necessary adjustment in accordance with subsection (a) if—

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"(1) the administrator determines, in his or her discretion, that the effective family income of the applicant is small in relation to—

"(A) the net value of the principal place of residence;

"(B) the net worth of a farm on which the family resides; or

"(C) the net worth of a family owned and operated small business;

"(2) such administrator reduces or eliminates the amount of such net value or net worth that is subject to assessment in the computation of the expected family contribution of that applicant; and

Grants.

"(3) the administrator reports the amount of such adjustments made with respect to determinations for Pell Grants to the contractor or contractors processing applications for such grants for the award year.

"(c) ASSET ADJUSTMENT AS EXAMPLE.—The asset adjustment described in subsection (b) is an example of the type of adjustment which financial aid administrators are authorized to make by subsection (a), and shall not be considered to be the only adjustment that is so authorized.";

(27) by striking section 479B and inserting in lieu thereof the following: 20 USC 1087uu.

"STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS

"SEC. 479B. (a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this title, or under Bureau of Indian Affairs student assistance programs, that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

"(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

"(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

"(2) an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

"NATIVE AMERICAN STUDENTS

"SEC. 479C. In determining family contributions for Native American students, computations performed pursuant to this part shall exclude— 20 USC 1087uu-1.

"(1) any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under the Per Capita Act or the Distribution of Judgment Funds Act; and

"(2) any income received by the student (and spouse) and student's parents under the Alaskan Native Claims Settlement Act or the Maine Indian Claims Settlement Act."; and 43 USC 1601 note; 25 USC 1721 note.

(28) in section 480— 20 USC 1087vv.

(A) by striking out "paragraphs (2) and (3)" in subsection (a)(1) and inserting "paragraphs (2) through (4)";

(B) by inserting before the period at the end of such subsection the following: "minus excludable income (as defined in subsection (f))"; 101 STAT. 354

(C) by striking out paragraph (2) of subsection (a) and inserting the following:

"(2) In the computation of family contributions for the programs under subpart 2 of part A and parts B, C, and E of this title for any academic year, there shall be excluded from family income any proceeds of a sale of farm or business assets of that family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or an involuntary liquidation.";

(D) by inserting at the end of subsection (a) the following:

"(4) No portion of any student financial assistance received from any program by an individual shall be included as income in the computation of expected family contribution for any program funded in whole or in part under this Act.";

(E) by striking out subsections (b) and (c) and inserting the following:

"(b) UNTAXED INCOME AND BENEFITS OF PARENTS AND INDEPENDENT STUDENTS WITH DEPENDENTS.—The term 'untaxed income and benefits' when applied to parent contributions or the contributions of independent students with dependents (including spouses) means—

"(1) child support received;

"(2) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children; 42 USC 601.

"(3) workman's compensation;

"(4) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(5) interest on tax-free bonds;

"(6) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(7) cash support or any money paid on the student's behalf;

"(8) the amount of earned income credit claimed for Federal income tax purposes;

"(9) untaxed portion of pensions;

"(10) credit for Federal tax on special fuels;

"(11) the amount of foreign income excluded for purposes of Federal income taxes;

"(12) untaxed social security benefits;

"(13) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes; and

"(14) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits.

29 USC 1501 note.

"(c) UNTAXED INCOME AND BENEFITS OF DEPENDENT STUDENTS OR INDEPENDENT STUDENTS WITHOUT DEPENDENTS.—For the purpose of this part, the term 'untaxed income and benefits' when applied to the contributions of dependent students or independent students without dependents means—

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"(1) child support received;

"(2) welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children;

42 USC 601.

"(3) workman's compensation;

"(4) veterans' benefits such as death pension, dependency and indemnity compensation, but excluding veterans' education benefits;

"(5) interest on tax-free bonds;

"(6) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(7) cash support or any money paid on the student's behalf;

"(8) the amount of earned income credit claimed for Federal income tax purposes;

"(9) untaxed portion of pensions;

"(10) credit for Federal tax on special fuels;

"(11) the amount of foreign income excluded for purposes of Federal income taxes;

"(12) untaxed social security benefits;

"(13) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes; and

"(14) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits.";

29 USC 1501 note.

(F) in subsection (d)(2)(F), by striking out "an annual total income" and by inserting in lieu thereof "annual total resources (including all sources of resources other than parents)"; and

(G) by inserting after subsection (e) the following new subsections:

"(f) EXCLUDABLE INCOME.—The term 'excludable income' means—

"(1) any unemployment compensation received by a dislocated worker certified in accordance with title III of the Job Training Partnership Act; and

29 USC 1651.

"(2) any student financial assistance awarded based on need as determined in accordance with the provisions of this part, including any income earned from work under part C of this title.

"(g) ASSETS.—The term 'assets' means cash on hand, including the amount in checking and savings accounts, time deposits, money market funds, trusts, stocks, bonds, other securities, mutual funds, tax shelters, and the net value of real estate, income producing property, and business and farm assets.

"(h) NET ASSETS.—The term 'net assets' means the current market value at the time of application of the assets included in the definition of 'assets', minus the outstanding liabilities or indebtedness against the assets.".

SEC. 15. GENERAL PROVISIONS.

Part G of title IV of the Act is amended—

(1) in section 481(c), by striking out "subsection (d) of this section" and inserting in lieu thereof "section 484(d)"; 20 USC 1088.

(2) in section 482(b)— 20 USC 1089.

(A) by striking out "or 442(e)" and inserting ", 442(e), or 462(j)"; and

(B) by striking out "and part C" and inserting ", part C, and part E";

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(3) in the second sentence of section 483(a)(1), by inserting "or institutions in which the students are enrolled or accepted for enrollment" after "that applicants"; 20 USC 1090.

(4) in the second sentence of such section 483(a)(1), by inserting before the period at the end thereof the following: "and on which the applicant shall clearly indicate a choice of lender";

(5) in section 483(a)(2)—

(A) by striking out "not less than 3" and inserting "not less than 5"; and

(B) by adding at the end thereof the following: "The Secretary shall not select new multiple data entry processors after the date of enactment of the Higher Education Amendments Act of 1986, until the Advisory Commission on Student Financial Assistance has examined and made recommendations on the expansion of the number and kind of processors and its impact on students, has assessed and made recommendations on the relative cost of processing applications and development fees, and has examined and made recommendations on the implementation of a standardized fee for the reimbursement of all processors by the Federal Government."; 20 USC 1001 note.

(6) in section 483—

(A) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(B) by inserting after subsection (a) the following:

"(b) CERTIFICATION OF CAPABILITY.—Beginning with the 1988-1989 processing year, the Secretary shall be authorized to enter into agreements with institutions of higher education, States, or private organizations for the purpose of certifying the capability of their systems for determining expected family contributions under part F of this title."; Contracts. State and local governments.

(7) in section 484— 20 USC 1091.

(A) in subsection (a)(1), by inserting before the semicolon a comma and the following: "except as provided in subsection (b)(2)";

(B) in subsection (b), insert "(1)" before "In";

(C) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(D) by inserting at the end of subsection (b) the following new paragraph:

"(2) A student who—

"(A) is carrying at least one-half the normal full-time work load for the course of study that the student is pursuing, as determined by an eligible institution, and

"(B) is enrolled in a course of study necessary for enrollment in a program leading to a degree or certificate,

shall be, notwithstanding paragraph (1) of subsection (a), eligible to apply for loans under part B of this title. The eligibility described in this paragraph shall be restricted to one 12-month period.";

(8)(A) in section 484(d)—

(i) by striking out "or" at the end of paragraph (1); and

(ii) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) be counseled prior to admission and be enrolled in and successfully complete the institutionally prescribed program of remedial or developmental education not to exceed one academic year or its equivalent; or

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"(3)(A) be administered a nationally recognized, standardized, or industry developed test, subject to criteria developed by the appropriate accrediting association, measuring the applicant's aptitude to complete successfully the program to which the applicant has applied; and

"(B) with respect to applicants who are unable to satisfy the institutions' admissions testing requirements specified in subparagraph (A), be enrolled in and successfully complete an institutionally prescribed program or course of remedial or developmental education not to exceed one academic year or its equivalent.";

20 USC 1091.

(B) in section 484(d), by adding at the end thereof the following new sentence:

"In order to be eligible for assistance a student cannot be enrolled in either an elementary or a secondary school.";

(9) in section 484(f), by adding at the end thereof the following new sentence: "In carrying out the provisions of this subsection no eligible institution shall be required to verify more than 30 percent of such applicants in any award year.";

20 USC 1092.

(10) in section 485(b), by inserting "(other than loans made pursuant to section 428B)" after "part B of this title";

Ante, p. 343.

Loans.

(11) in section 485(d), by inserting after the second sentence the following: "In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences.";

20 USC 1092a.

(12) in section 485A(a), by striking out "clause (i), (ii), or (iii)" and inserting "subparagraph (A), (B), or (C)";

20 USC 1092b.

(13) in section 485B—

(A) by striking out "Federal agencies" in subsection (b)(1) and inserting "public agencies";

(B) by striking out "of a borrower for whom the guaranty agency provides insurance" in subsection (b)(2)(D) and inserting "of any borrower"; and

(C) by striking out "Federal agency" in subsection (b)(3) and inserting "public agency";

20 USC 1095.

(14) in section 488, by striking out "or 446" and inserting "or 442";

20 USC 1096.

(15) in the second sentence of section 489(a), by striking out "section 448" and inserting in lieu thereof "section 447";

20 USC 1098.

(16) in section 491(b), by adding at the end thereof the following new sentence: "The Secretary's authority to terminate advisory committees of the Department pursuant to section 448(b) of the General Education Provisions Act ceased to be effective on June 23, 1983.";

20 USC 1233g.

(17) in section 491(i), by striking out "An amount, not to exceed $500,000 in any fiscal year" and inserting in lieu thereof "In each fiscal year not less than $500,000"; and

(18) in section 491, by adding at the end thereof the following new subsection:

"(j) SPECIAL INSTITUTIONAL LENDER STUDY.—

"(1) The Advisory Committee shall conduct a thorough study of institutional lender policy. In carrying out the study, the Advisory Committee shall examine, but not be limited to— 101 STAT 358

"(A) the relevance and current applicability of the institutional lender criteria established in section 435(d); 20 USC 1085.

"(B) the appropriateness of using default rates for loans made under part E or other institutional criteria to determine institutional participation;

"(C) whether or not a portion or all of any special allowance or other payments paid to institutional lenders should benefit need-based scholarship or grant programs;

"(D) whether or not institutional lenders should be required to hold loans made to eligible borrowers through graduation or termination of matriculation;

"(E) examine the extent and degree to which student access to loan capital would be adversely affected by the restrictions contained in section 435(d)(2); and

"(F) assess the potential impact on State secondary markets and lender portfolios if student borrowers at higher cost colleges and universities, who come from higher income families, concentrate their lending with a few large lenders and secondary markets.

"(2) The Advisory Committee shall consult with the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate in carrying out the study required by this subsection.

"(3) The Advisory Committee shall, not later than 2 years after the date of enactment of the Higher Education Technical Amendments Act of 1987, prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report of the study required by this section.". Reports.

SEC. 16. LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT.

Subpart 2 of part C of title V of the Act is amended—

(1) in the matter preceding paragraph (1) of section 541(b), by striking out "contractors" and inserting in lieu thereof "grantees"; 20 USC 1109.

(2) in section 542, by striking out "for any fiscal year" and inserting "for fiscal year 1987 or any succeeding fiscal year"; 20 USC 1109a.

(3) in section 543— 20 USC 1109b.

(A) in subsection (a)—

(i) in the subsection heading, by striking out "CONTRACTS" and inserting in lieu thereof "GRANTS"; and

(ii) by striking out "enter into contracts with" and inserting in lieu thereof "award grants to";

(B) in subsection (b)—

(i) in the subsection heading, by striking out "CONTRACT" and inserting in lieu thereof "GRANT";

(ii) in the matter preceding paragraph (1), by striking out "contract entered into" and inserting in lieu thereof "grant awarded"; and

(iii) by striking out "contractor" each place it appears and inserting in lieu thereof "grantee"; and

(C) in subsection (c)— 101 STAT. 359

(i) in the subsection heading, by striking out "CONTRACTORS" and inserting in lieu thereof "GRANTEES"; and

(ii) by striking out "contract" and inserting in lieu thereof "grant";

(4) in section 544— 20 USC 1109c.

(A) in the section heading, by striking out "CONTRACTS" and inserting in lieu thereof "GRANTS";

(B) in subsection (a), by striking out "CONTRACT" and "contract" each place they appear and inserting in lieu thereof "GRANT" and "grant", respectively; and

(C) in subsection (b), by striking out "CONTRACT", "contract", and "contractor" each place they appear and inserting in lieu thereof "GRANT", "grant", and "grantee", respectively; and

20 USC 1109d. (5) in section 545—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end thereof the following:

"(3) the term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

SEC. 17. CONGRESSIONAL TEACHER SCHOLARSHIP PROGRAM.

(a) DESIGNATION OF CONGRESSIONAL TEACHERS' SCHOLARSHIPS.—

20 USC 1111 (1) section 551 of the Act is amended by inserting "(a) PURPOSE.—" after the section designation;

(2) by striking out the second sentence of such section; and

(3) by adding at the end thereof the following new subsection:

Paul Douglas Teacher Scholarships. "(b) DESIGNATION.—Scholarships awarded under this subpart shall be referred to as the 'Paul Douglas Teacher Scholarships'.".

(b) APPLICATIONS.—Section 553 of the Act is amended—

20 USC 1111b. (1) in subsection (a), by striking out "section 546" and inserting "section 551";

(2) in subsection (b)(4)(A)—

(A) by striking out "elementary or" and inserting "preschool, elementary school, or";

(B) by inserting "or private nonprofit" immediately before "education program in any State"; and

(C)(i) by inserting "or" after "State," the first time it appears; and

(ii) by striking out "or, on a full-time basis handicapped children or children with limited English proficiency in a private nonprofit school,"; and

(3) in subsection (b)(4)(B), by striking out "section 557" and inserting "section 556".

20 USC 1111f. (c) REPAYMENT PROVISION.—Section 557 of the Act is amended by inserting after "interest" the following: "(but in no event at an interest rate higher than the rate applicable to loans in the applicable period under part B of this title)".

20 USC 1111g. (d) EXCEPTIONS TO REPAYMENT.—Section 558(a)(6) of the Act is amended by inserting before the semicolon the following: "for a single period not to exceed 27 months".

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SEC. 18. LANGUAGE AND AREA CENTERS.

20 USC 1122. Section 602(b)(1)(B) of the Act is amended by striking out "in a program of competency-based training," immediately after "in a program of competency-based language training,".

SEC. 19. ACADEMIC FACILITIES.

Title VII of the Act is amended—

20 USC 1132a. (1) in section 701(b), by inserting "part A or B of" after "grants under";

20 USC 1132a-1. (2) in section 702(a), by inserting at the end thereof a comma and the following: "or for a preceding fiscal year";

20 USC 1132d. (3) in the matter preceding paragraph (1) in section 731(a) by striking out "and insure";

20 USC 1132d-2. (4) in section 733—

(A) in the section heading, by striking out "AND INSURANCE"; and

(B) in subsection (a) by striking out "and insuring";

(5) in section 764(c)(1), by inserting "at least a two-year program acceptable for full credit toward" immediately before "a baccalaureate degree"; and 20 USC 1132g-3.

(6) in section 782(1)(B)— 20 USC 1132i-1.

(A) by striking out "section 724" and inserting "section 701", and

(B) by striking out "section 843" and inserting "section 853".

SEC. 20. JACOB K. JAVITS FELLOWS PROGRAM.

Part C of title IX of the Act is amended—

(1) by striking out the heading of section 931 and inserting the following: 20 USC 1134h.

"AWARD OF JACOB K. JAVITS FELLOWSHIPS";

(2) in section 932(a)(1), by striking out "National Graduate" and inserting "Jacob K. Javits"; 20 USC 1134i.

(3) in section 932(a)(2)(C), by striking out "directing" and inserting "selecting"; and

(4) in section 933(b)(1), by striking out the period at the end thereof and inserting in lieu thereof a comma and "except that such amount charged to a fellowship recipient and collected from such recipient for tuition and other expenses required by the institution as part of the recipient's instructional program shall be deducted from the payment to the institution under this subsection.". 20 USC 1134j.

SEC. 21. GENERAL PROVISIONS.

(a) TECHNICAL AMENDMENT.—Section 1201(a) of the Act is amended by striking out "have the ability to benefit from the training offered by the institution" and inserting in lieu thereof "meet the requirements of section 484(d) of this Act". 20 USC 1141. *Ante*, p. 356.

(b) PEER REVIEW PROCESS.—Title XII of the Act is amended by redesignating section 1210 as section 1211, and by adding after section 1209 the following new section: 20 USC 1145e.

"APPLICATION OF PEER REVIEW PROCESS

"SEC. 1210. All applications submitted under the provisions of this Act which require peer review shall be read by a panel of readers composed of individuals selected by the Secretary which shall include outside readers who are not employees of the Federal Government. The Secretary shall ensure that no individual assigned under this section to review any application has any conflict of interest with regard to that application which might impair the impartiality with which that individual conducts the review under this section.". 20 USC 1145d-1. 101 STAT. 361

SEC. 22. EFFECTIVE DATES OF THE HIGHER EDUCATION AMENDMENTS OF 1986.

(a) SEOG ALLOCATION.—Section 401(b) of the Higher Education Amendments of 1986 is amended— 20 USC 1070a-1 note.

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph: 20 USC 1070d-1b note.

"(6) The changes made in section 413D of the Act shall apply with respect to the allocation of funds for the academic year 1988–1989 and succeeding academic years.". 20 USC 1070b-3 note. 20 USC 1070b-3.

(b) GSL AMENDMENTS.—Section 402(b) of such Amendments is amended— 20 USC 1071 note.

(1) by striking out paragraph (2) and inserting the following:

"(2) the changes in sections 427(a)(2)(C) and 428(b)(1)(M) of the Act (other than clauses (viii), (ix), and (x) of each such section) shall apply only to loans to new borrowers that (A) are made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1987; or (B) are disbursed on or after July 1, 1987;";

(2) in paragraphs (3) and (4), by inserting "disbursed on or after January 1, 1987, or" after "only to loans"; and

(3) in paragraph (7), by inserting "disbursed on or after 30 days after the date of enactment of this Act or" after "with respect to loans".

42 USC 2753 note.

(c) CWS AMENDMENTS.—Section 403(b) of such Amendments is amended by striking out "(b) EFFECTIVE DATE.—" and inserting in lieu thereof the following:

42 USC 2752 note.

"(b) EFFECTIVE DATES.—(1) Section 442 of the Act shall apply with respect to the allocation of funds for academic year 1988–1989 and succeeding academic years.

42 USC 2753 note.

"(2)".

20 USC 1087dd note.

(d) NDSL AMENDMENTS.—Section 405(b) of such Amendments is amended—

(1) by inserting "and section 463A" after "Section 463(a)(9)" in paragraph (2);

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after the subsection heading the following:

20 USC 1087bb.

"(1) Section 462 of the Act shall apply with respect to academic year 1988–1989 and succeeding academic years.".

(e) EFFECTIVE DATE OF CERTAIN NEED ANALYSIS PROVISIONS.—Section 406(b) of such Amendments is amended—

20 USC 1087kk note.

(1) by striking out "paragraphs (2) and (3)" in paragraph (1) and inserting "paragraphs (2) through (4)";

20 USC 1087vv note.

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

Ante, p. 353. 20 USC 1087kk note.

"(4) Section 479B of the Act (as so added) shall apply with respect to financial assistance provided for any academic year beginning after such date of enactment.".

20 USC 1145d note.

(f) SUNSET FOR DISCLOSURE OF FOREIGN GIFTS.—Section 1206(b) of such Amendments is amended by striking out "section 1208" and inserting "section 1209".

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SEC. 23. EDUCATION ADMINISTRATION.

Title XIII of the Higher Education Amendments of 1986 is amended—

20 USC 1091 note.

(1) in section 1301, by striking out "section 484(d)" and inserting "section 484(c)";

20 USC 1121 note.

(2) in section 1302(b)(1), by striking out "this title" and inserting "title VI of the Act";

20 USC 1221e-1 note.

(3) in section 1303—

(A) by striking out "shall, through the Office of Education Research and Improvement or the Center for Education Statistics," in subsection (a) and inserting ", through the Office of Educational Research and Improvement,";

(B) by striking out "the Department of Education," in subsection (b)(3);

(C) by striking out "Resources," in such subsection and inserting "Resources"; and

(D) by adding at the end thereof the following:

Appropriation authorization.

"(f) There are authorized to be appropriated $2,700,000 for the fiscal year 1987 and for each of the 2 succeeding fiscal years to carry out the provisions of this section.";

20 USC 1011 note.

(4) in section 1304—

(A) by striking out "of this title" in subsection (a) and inserting "of title I of the Act";

(B) by inserting "the provision of" before "an information network" in subsection (b)(2);

(C) by striking out "under this title" in subsection (c) and inserting "under this section"; and

(D) by striking out "purposes of this title" in such subsection and inserting "purposes of title I of the Act";

(5) in section 1307—

100 Stat. 1583

(A) by striking out "$2,700,000" and inserting in lieu thereof "$1,000,000"; and

(B) by striking out "this part" and inserting in lieu thereof "sections 1301 and 1302";

(6) in section 1314 by adding at the end thereof the following new sentence: "Nothing in this section shall be interpreted to authorize the Secretary to require lenders, holders, or guarantors to maintain or report records relating to the loans discharged by borrowers in receiving a consolidation loan pursuant to section 428C of the Act."; and

Loans.
20 USC 1071 note.

(7) in section 1341, by striking out subsection (b) and inserting in lieu thereof the following:

20 USC 1078-3.
20 USC 1221-1 note.

"(b) REPORT REQUIRED.—Not later than one year after the date of entering into a contract with the Department of Education for the study described in this section, the National Academy of Sciences shall prepare and submit to the Congress a report, together with a description of programs on the use of volunteers and with such recommendations as deemed appropriate.".

Contracts.

SEC. 24. GENERAL EDUCATION PROVISIONS ACT.

(a) EDUCATIONAL RESEARCH.—Section 405(g)(1)(C) of the General Education Provisions Act is amended to read as follows:

20 USC 1221e.

"(C) not less than $5,700,000 shall be available in each fiscal year to assist a separate system of 16 education resources information clearinghouses (including direct supporting dissemination services) pursuant to subsection (d)(3)(A) of this section, having the same functions and scope of work as the clearinghouses had on the date of enactment of the Higher Education Amendments of 1986;".

101 STAT. 363

20 USC 1001 note.

(b) EDUCATION STATISTICS.—Section 406(e)(1) of the General Education Provisions Act is amended by adding at the end thereof the following new sentence: "All funds received in payment for work or services described in this paragraph shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.".

20 USC 1221e-1.

SEC. 25. UNITED STATES INSTITUTE OF PEACE.

Section 1703 of the United States Institute of Peace Act is amended by inserting after "(3)" the following: "establish a Jeannette Rankin Research Program on Peace to".

22 USC 4604.

SEC. 26. EXEMPTION FROM CERTAIN PROVISIONS OF LAW.

The parties to the term loan and security agreement dated March 3, 1986, as amended, pursuant to which up to $21,000,000 of loans will be made to students and parents of students at a university located in California by a branch of a foreign bank located in New York shall, with respect to loans made on or before February 20, 1987, and the transactions relating thereto under such term loan and security agreement, be deemed not to be in violation of the provisions of sections 435(d)(5)(A) and 490(c) of the Higher Education Act of 1965.

Loans.
Contracts.
California.

20 USC 1085, 1097.

SEC. 27. EFFECTIVE DATE OF TECHNICAL AMENDMENTS.

The amendments made by this Act shall take effect as if enacted as part of the Higher Education Amendments of 1986.

20 USC 1001 note.

Approved June 3, 1987.

LEGISLATIVE HISTORY—H.R. 1846:

HOUSE REPORTS: No. 100-44 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Apr. 21, considered and passed House.
May 19, considered and passed Senate, amended.
May 20, House concurred in Senate amendment.

Public Law 100-216
100th Congress

101 STAT. 1450

An Act

To direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000.

Dec. 29, 1987
[H.R. 519]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FERC ORDER.

(a) ISSUANCE OF ORDER.—Notwithstanding the petition filed by the Idaho Power Company on November 26, 1984, with the Federal Energy Regulatory Commission for a declaratory order concerning an Agreement dated October 25, 1984 (Exhibit A, Petition of Idaho Power Company for Declaratory Order, FERC Docket No. EL-85-38-000), relative to the projects of such company specifically referenced in the petition, the Federal Energy Regulatory Commission is authorized and directed, in lieu of the petition request, to issue an order under the Federal Power Act providing that such Agreement shall not be considered by the Commission, in any subsequent proceeding before the Commission during the remaining term of the licenses applicable to such projects, to be either— Idaho. Contracts.

(1) inconsistent with the terms and conditions of such licenses concerning the retention of project property; or

(2) imprudent for purposes of section 205 of the Federal Power Act.

The order, subject to the requirements of section 3(a)(2), shall be issued within 90 calendar days after enactment of this Act and shall take effect on the date provided in section 3.

(b) CONSIDERATION OF OTHER MATTERS.—Notwithstanding the issuance of an order pursuant to this section, except for the specific terms and conditions referred to in subsection (a)(1) and the specific provisions of the Federal Power Act referred to in subsection (a)(2), the Commission may, at any time, consider, in accordance with existing and applicable law, whether the settlement agreement and the licensee are in full compliance with—

(1) any terms and conditions of the license (including those relating to the protection, mitigation, and enhancement of fish and wildlife), and Fish and fishing. Wildlife.

(2) any other applicable provision of Federal environmental law (including section 10 of the Federal Power Act). Environment.

(c) OFFERS OF SETTLEMENT.—In issuing an order pursuant to this section, the Commission shall accept and adopt as part of the order the Offers of Settlement pending before the Commission on enactment of this Act between the licensee, the State of Idaho, the Secretary of the Interior, the National Marine Fisheries Service and others.

SEC. 2. SAVINGS PROVISION.

(a) FISH AND WILDLIFE AGREEMENTS AND STIPULATIONS.—Nothing in section 1 or in any order issued by the Commission pursuant to section 1 shall be construed as affecting any stipulation or other agreement entered into by the State of Idaho or the Idaho Power Company prior to the date of enactment of this Act relating to any fish and wildlife matters affected by any such project. Idaho. 101 STAT. 1451

(b) FERC AUTHORITY.—Nothing in section 1 shall be construed to modify, change, expand, or limit the authority of the Federal Energy Regulatory Commission under the Federal Power Act or other applicable law relating to fish and wildlife.

State and local governments. Indians.

(c) WATER.—Nothing in this Act shall be construed as (1) affecting the rights or jurisdiction of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any ground water resource; (2) altering or establishing the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right; or (3) altering, amending, repealing, interpreting, modifying, or be in conflict with, the Treaty rights or other rights of any Indian tribe.

SEC. 3. STUDY.

(a) JOINT AGREEMENT TO CONDUCT STUDY.—

Reports. Fish and fishing. Wildlife.

(1) The Federal and licensee parties to the Offers of Settlement and the settlement agreement referred to in section 1 shall immediately after enactment of this Act enter into good faith negotiations for a joint agreement to conduct and adequately finance detailed evaluations and studies (and issue a report thereon) concerning the timing, quantity and quality of instream flows and related matters to protect, enhance, and mitigate fish and wildlife resources, including anadromous fish and related habitat of the Snake River and the Deer Flat National Wildlife Refuge. Such agreement shall be filed with the Federal Energy Regulatory Commission and shall be considered thereafter as part of the order issued pursuant to section 1. Such negotiations shall be completed and a joint agreement entered into by all such parties and filed with the Commission not later than 60 calendar days after the order is issued under section 1.

(2) If a joint agreement is not entered and filed within the 60-day period referred to in paragraph (1), the Commission shall within 60 calendar days after the expiration of such period issue an order under this paragraph requiring that the evaluations and studies referred to in paragraph (1) be undertaken and the duties and responsibilities of such parties to conduct and finance them. The Commission may for good cause extend the time for issuance of the order under this paragraph an additional period of not more than 45 calendar days. The Commission in issuing an order under this subsection, may take into consideration such information as the parties may stipulate and file with the Commission resulting from such negotiations. The Commission is not required, notwithstanding any provision of law, to afford the parties any other opportunity to make oral or written presentations to the Commission regarding such order. In any judicial review of the order issued under section 1, the order (or the adequacy thereof) issued under this paragraph shall not be a basis for that review or for a stay of the effective date of the order issued under section 1.

(3) The order referred to in section 1 shall be effective and final when the joint agreement referred to in paragraph (1) is filed by all the parties with the Commission, or not later than 60 calendar days after such order is issued under section 1, whichever comes first. The order referred to in paragraph (2) shall be effective and final when issued. When effective, each order issued and joint agreement adopted shall be enforced by the Commission under the Federal Power Act and the licensee shall pay its assigned share at the times and in the manner directed by the Commission.

101 STAT. 1452

Reports. Public information.

(4) The evaluations and studies and the report thereof required by this subsection shall be made available by the Federal parties to the public and the Commission and shall be considered by the Commission in accordance with existing and applicable law. Nothing contained in this Act requires the Commission to take any action pursuant to such consideration,

or authorizes or grants the Commission any authority to take any action, based upon the findings, recommendations, results, or conclusions of the study required by this section.

(5) Any final order issued pursuant to this Act shall be subject to judicial review in the same manner as final orders under the Federal Power Act are subject to judicial review under that Act.

State and local governments. Idaho.

(b) PARTICIPATION BY GOVERNOR.—At any time prior to the effective date of the order issued under section 1(a) of this Act, the Governor of the State of Idaho shall have the option to participate in good faith in the negotiations required by section 3 of this Act. In exercising such option, the Governor shall agree to carry out the State's responsibilities under the agreement or any order issued by the Commission under subsection (a).

Appropriation authorization.

(c) FUNDING FOR FEDERAL SHARE OF STUDIES.—The Secretary of the Interior and the National Oceanic and Atmospheric Administration shall, subject to applicable appropriation Acts, utilize such funds as may be available for carrying out the evaluations and studies required by this Act to be conducted by the parties referred to in subsection (a) and such agencies are authorized and directed to seek further appropriations as may be necessary. All such funds shall be available until expended. The Federal share of the costs of carrying out the evaluations and studies shall be determined pursuant to the joint agreement under subsection (a) (or the Commission order under subsection (a)(2), if applicable). The Federal agencies shall provide for consultation with the affected Indian tribes and other interested public or private persons during the conduct of any study conducted pursuant to this Act.

Indians.

SEC. 4. PROVIDING INFORMATION TO CONGRESS.

The Federal Energy Regulatory Commission, the Secretary of the Interior, and the Administrator of the National Oceanic and Atmospheric Administration shall keep the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate fully and currently informed of the status of all actions taken or required by this Act and of any delays (and the reasons therefor) in implementing all such actions.

101 STAT. 1453

Approved December 29, 1987.

LEGISLATIVE HISTORY—H.R. 519 (S. 214):

HOUSE REPORTS: No. 100-418 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 100-8 accompanying S. 214 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Feb. 3, S. 214 considered and passed Senate.
Nov. 9, H.R. 519 considered and passed House.
Dec. 18, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 100-231
100th Congress

101 STAT. 1565

An Act

To extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes.

Jan. 5, 1988
[H.R. 2401]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Renewable Resources Extension Act Amendments of 1987.
16 USC 1600 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Resources Extension Act Amendments of 1987".

SEC. 2. EXTENSION.

The Renewable Resources Extension Act of 1978 (16 U.S.C. 1600 note) is amended—

(1) in section 6 (16 U.S.C. 1675) by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to implement this Act $15,000,000 for the fiscal year ending September 30, 1988, and $15,000,000 for each of the next twelve fiscal years."; and

(2) in section 8 (16 U.S.C. 1671 note) by striking out "1988" and inserting in lieu thereof "2000".

SEC. 3. PROGRAM DEVELOPMENT AND EVALUATION.

Section 5 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674) is amended—

(1) in subsection (a) by striking out "Congress" and inserting in lieu thereof the following: "the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate"; and

(2) by adding at the end thereof the following new subsection:

"(d) To assist Congress and the public in evaluating the Renewable Resources Extension Program, the program shall include a review of activities undertaken in response to the preceding five-year plan and an evaluation of the progress made toward accomplishing the goals and objectives set forth in such preceding plan. Such review and evaluation shall be displayed in the program, for the Nation as a whole, and for each State.".

Approved January 5, 1988.

LEGISLATIVE HISTORY—H.R. 2401:

HOUSE REPORTS: No. 100-239 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 27, considered and passed House.
Dec. 19, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendments.

Public Law 100-4
100th Congress

101 STAT. 7

An Act

To amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

Feb. 4, 1987
[H.R. 1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Water Quality Act of 1987.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO FEDERAL WATER POLLUTION CONTROL ACT; DEFINITION OF ADMINISTRATOR.

(a) SHORT TITLE.—This Act may be cited as the "Water Quality Act of 1987". 33 USC 1251 note.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents; amendments to Federal Water Pollution Control Act; definition of Administrator.
Sec. 2. Limitation on payments.

TITLE I—AMENDMENTS TO TITLE I

Sec. 101. Authorizations of appropriations.
Sec. 102. Small flows clearinghouse.
Sec. 103. Chesapeake Bay.
Sec. 104. Great Lakes.
Sec. 105. Research on effects of pollutants.

TITLE II—CONSTRUCTION GRANTS AMENDMENTS

Sec. 201. Time limit on resolving certain disputes.
Sec. 202. Federal share.
Sec. 203. Agreement on eligible costs.
Sec. 204. Design/build projects.
Sec. 205. Grant conditions; user charges on low-income residential users.
Sec. 206. Allotment formula.
Sec. 207. Rural set aside.
Sec. 208. Innovative and alternative projects.
Sec. 209. Regional organization funding.
Sec. 210. Marine CSO's and estuaries.
Sec. 211. Authorization for construction grants.
Sec. 212. State water pollution control revolving funds.
Sec. 213. Improvement projects.
Sec. 214. Chicago tunnel and reservoir project.
Sec. 215. Ad valorem tax dedication.

TITLE III—STANDARDS AND ENFORCEMENTS

Sec. 301. Compliance dates.
Sec. 302. Modification for nonconventional pollutants.
Sec. 303. Discharges into marine waters.
Sec. 304. Filing deadline for treatment works modification.
Sec. 305. Innovative technology compliance deadlines for direct dischargers.
Sec. 306. Fundamentally different factors.
Sec. 307. Coal remining operations.
Sec. 308. Individual control strategies for toxic pollutants.
Sec. 309. Pretreatment standards.
Sec. 310. Inspection and entry.
Sec. 311. Marine sanitation devices.
Sec. 312. Criminal penalties.
Sec. 313. Civil penalties.
Sec. 314. Administrative penalties.
Sec. 315. Clean lakes.
Sec. 316. Management of nonpoint sources of pollution.
Sec. 317. National estuary program.
Sec. 318. Unconsolidated quaternary aquifer.

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TITLE IV—PERMITS AND LICENSES

Sec. 401. Stormwater runoff from oil, gas, and mining operations.
Sec. 402. Additional pretreatment of conventional pollutants not required.
Sec. 403. Partial NPDES program.
Sec. 404. Anti-backsliding.
Sec. 405. Municipal and industrial stormwater discharges.
Sec. 406. Sewage sludge.
Sec. 407. Log transfer facilities.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Audits.
Sec. 502. Commonwealth of the Northern Mariana Islands.
Sec. 503. Agricultural stormwater discharges.
Sec. 504. Protection of interests of United States in citizen suits.
Sec. 505. Judicial review and award of fees.
Sec. 506. Indian tribes.
Sec. 507. Definition of point source.
Sec. 508. Special provisions regarding certain dumping sites.
Sec. 509. Ocean discharge research project.
Sec. 510. San Diego, California.
Sec. 511. Limitation on discharge of raw sewage by New York City.
Sec. 512. Oakwood Beach and Red Hook Projects, New York.
Sec. 513. Boston Harbor and adjacent waters.
Sec. 514. Wastewater reclamation demonstration.
Sec. 515. Des Moines, Iowa.
Sec. 516. Study of de minimis discharges.
Sec. 517. Study of effectiveness of innovative and alternative processes and techniques.
Sec. 518. Study of testing procedures.
Sec. 519. Study of pretreatment of toxic pollutants.
Sec. 520. Studies of water pollution problems in aquifers.
Sec. 521. Great Lakes consumptive use study.
Sec. 522. Sulfide corrosion study.
Sec. 523. Study of rainfall induced infiltration into sewer systems.
Sec. 524. Dam water quality study.
Sec. 525. Study of pollution in Lake Pend Oreille, Idaho.

(c) AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act.

33 USC 1251 note.

(d) DEFINITION.—For purposes of this Act, the term "Administrator" means the Administrator of the Environmental Protection Agency.

33 USC 1251 note.

SEC. 2. LIMITATION ON PAYMENTS.

33 USC 1251 note.

No payments may be made under this Act except to the extent provided in advance in appropriation Acts.

TITLE I—AMENDMENTS TO TITLE I

SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.

33 USC 1254.

(a) RESEARCH AND INVESTIGATIONS.—Section 104(u) is amended—

(1) in clause (1) by striking out "and" after "1975,", after "1980,", and after "1981,", and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and not to exceed $22,770,000 per fiscal year for each of the fiscal years 1986 through 1990,";

101 STAT. 9

(2) in clause (2) by striking out "and" after "1981," and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and $3,000,000 per fiscal year for each of the fiscal years 1986 through 1990,"; and

(3) in clause (3) by striking out "and" after "1981," and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and $1,500,000 per fiscal year for each of the fiscal years 1986 through 1990,".

33 USC 1256.

(b) GRANTS FOR PROGRAM ADMINISTRATION.—Section 106(a)(2) is amended by inserting after "1982" the following: ", such sums as may be necessary for fiscal years 1983 through 1985, and $75,000,000 per fiscal year for each of the fiscal years 1986 through 1990".

(c) TRAINING GRANTS AND SCHOLARSHIPS.—Section 112(c) is amended by striking out "and" after "1981," and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and $7,000,000 per fiscal year for each of the fiscal years 1986 through 1990,". 33 USC 1262.

(d) AREAWIDE PLANNING.—Section 208(f)(3) is amended by striking out "and" after "1974," and after "1980," and by inserting after "1982" the following: ", and such sums as may be necessary for fiscal years 1983 through 1990". 33 USC 1288.

(e) RURAL CLEAN WATER.—Section 208(j)(9) is amended by striking out "and" after "1981," and by inserting after "1982," the following: "and such sums as may be necessary for fiscal years 1983 through 1990,".

(f) INTERAGENCY AGREEMENTS.—Section 304(k)(3) is amended by inserting after "1983" the following: "and such sums as may be necessary for fiscal years 1984 through 1990". 33 USC 1314.

(g) CLEAN LAKES.—Section 314(c)(2) is amended by striking out "and" after "1981," and by inserting after "1982" the following: ", such sums as may be necessary for fiscal years 1983 through 1985, and $30,000,000 per fiscal year for each of the fiscal years 1986 through 1990". 33 USC 1324.

(h) GENERAL AUTHORIZATION.—Section 517 is amended by striking out "and" after "1981," and by inserting after "1982" the following: ", such sums as may be necessary for fiscal years 1983 through 1985, and $135,000,000 per fiscal year for each of the fiscal years 1986 through 1990". 33 USC 1376.

SEC. 102. SMALL FLOWS CLEARINGHOUSE.

Section 104(q) is amended by adding at the end thereof the following new paragraph: 33 USC 1254.

"(4) SMALL FLOWS CLEARINGHOUSE.—Notwithstanding section 205(d) of this Act, from amounts that are set aside for a fiscal year under section 205(i) of this Act and are not obligated by the end of the 24-month period of availability for such amounts under section 205(d), the Administrator shall make available $1,000,000 or such unobligated amount, whichever is less, to support a national clearinghouse within the Environmental Protection Agency to collect and disseminate information on small flows of sewage and innovative or alternative wastewater treatment processes and techniques, consistent with paragraph (3). This paragraph shall apply with respect to amounts set aside under section 205(i) for which the 24-month period of availability referred to in the preceding sentence ends on or after September 30, 1986.". 33 USC 1285.

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SEC. 103. CHESAPEAKE BAY. 33 USC 1267.

Title I is amended by adding at the end the following new section:

"SEC. 117. CHESAPEAKE BAY.

"(a) OFFICE.—The Administrator shall continue the Chesapeake Bay Program and shall establish and maintain in the Environmental Protection Agency an office, division, or branch of Chesapeake Bay Programs to—

"(1) collect and make available, through publications and other appropriate means, information pertaining to the environmental quality of the Chesapeake Bay (hereinafter in this subsection referred to as the 'Bay');

"(2) coordinate Federal and State efforts to improve the water quality of the Bay;

"(3) determine the impact of sediment deposition in the Bay and identify the sources, rates, routes, and distribution patterns of such sediment deposition; and

"(4) determine the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships among such changes, with particular emphasis

placed on the impact of pollutant loadings of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals, and with special attention given to the impact of such changes on striped bass.

"(b) INTERSTATE DEVELOPMENT PLAN GRANTS.—

"(1) AUTHORITY.—The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay Program (hereinafter in this section referred to as the 'plan'), make a grant for the purpose of implementing the management mechanisms contained in the plan if such State has, within 1 year after the date of the enactment of this section, approved and committed to implement all or substantially all aspects of the plan. Such grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

"(2) SUBMISSION OF PROPOSAL.—A State or combination of States may elect to avail itself of the benefits of this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan which shall include (A) a description of proposed abatement actions which the State or combination of States commits to take within a specified time period to reduce pollution in the Bay and to meet applicable water quality standards, and (B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of this Act and will contribute to the achievement of the national goals set forth in such section, the Administrator shall approve such proposal and shall finance the costs of implementing segments of such proposal.

"(3) FEDERAL SHARE.—Grants under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms contained in the plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the management mechanisms contained in the plan during such fiscal year.

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"(4) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any one fiscal year 10 percent of the annual Federal grant made to a State under this subsection.

State and local governments.

"(c) REPORTS.—Any State or combination of States that receives a grant under subsection (b) shall, within 18 months after the date of receipt of such grant and biennially thereafter, report to the Administrator on the progress made in implementing the interstate management plan developed pursuant to the Chesapeake Bay Program. The Administrator shall transmit each such report along with the comments of the Administrator on such report to Congress.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section:

"(1) $3,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, to carry out subsection (a); and

"(2) $10,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, for grants to States under subsection (b).".

SEC. 104. GREAT LAKES.

Title I is amended by adding at the end the following new section:

33 USC 1268.

"SEC. 118. GREAT LAKES.

"(a) FINDINGS, PURPOSE, AND DEFINITIONS.—

"(1) FINDINGS.—The Congress finds that—

"(A) the Great Lakes are a valuable national resource, continuously serving the people of the United States and

other nations as an important source of food, fresh water, recreation, beauty, and enjoyment;

"(B) the United States should seek to attain the goals embodied in the Great Lakes Water Quality Agreement of 1978 with particular emphasis on goals related to toxic pollutants; and

"(C) the Environmental Protection Agency should take the lead in the effort to meet those goals, working with other Federal agencies and State and local authorities.

"(2) PURPOSE.—It is the purpose of this section to achieve the goals embodied in the Great Lakes Water Quality Agreement of 1978 through improved organization and definition of mission on the part of the Agency, funding of State grants for pollution control in the Great Lakes area, and improved accountability for implementation of such agreement.

"(3) DEFINITIONS.—For purposes of this section, the term—

"(A) 'Agency' means the Environmental Protection Agency;

"(B) 'Great Lakes' means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border);

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"(C) 'Great Lakes System' means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes;

"(D) 'Program Office' means the Great Lakes National Program Office established by this section; and

"(E) 'Research Office' means the Great Lakes Research Office established by subsection (d).

"(b) GREAT LAKES NATIONAL PROGRAM OFFICE.—The Great Lakes National Program Office (previously established by the Administrator) is hereby established within the Agency. The Program Office shall be headed by a Director who, by reason of management experience and technical expertise relating to the Great Lakes, is highly qualified to direct the development of programs and plans on a variety of Great Lakes issues. The Great Lakes National Program Office shall be located in a Great Lakes State.

"(c) GREAT LAKES MANAGEMENT.—

"(1) FUNCTIONS.—The Program Office shall—

"(A) in cooperation with appropriate Federal, State, tribal, and international agencies, and in accordance with section 101(e) of this Act, develop and implement specific action plans to carry out the responsibilities of the United States under the Great Lakes Water Quality Agreement of 1978;

33 USC 1251.

"(B) establish a Great Lakes system-wide surveillance network to monitor the water quality of the Great Lakes, with specific emphasis on the monitoring of toxic pollutants;

"(C) serve as the liaison with, and provide information to, the Canadian members of the International Joint Commission and the Canadian counterpart to the Agency;

"(D) coordinate actions of the Agency (including actions by headquarters and regional offices thereof) aimed at improving Great Lakes water quality; and

"(E) coordinate actions of the Agency with the actions of other Federal agencies and State and local authorities, so as to ensure the input of those agencies and authorities in developing water quality strategies and obtain the support of those agencies and authorities in achieving the objectives of such agreement.

"(2) 5-YEAR PLAN AND PROGRAM.—The Program Office shall develop, in consultation with the States, a five-year plan and program for reducing the amount of nutrients introduced into

the Great Lakes. Such program shall incorporate any management program for reducing nutrient runoff from nonpoint sources established under section 319 of this Act and shall include a program for monitoring nutrient runoff into, and ambient levels in, the Great Lakes.

Pollution.
Michigan.
Wisconsin.
Indiana.
Ohio.
New York.

"(3) 5-YEAR STUDY AND DEMONSTRATION PROJECTS.—The Program Office shall carry out a five-year study and demonstration projects relating to the control and removal of toxic pollutants in the Great Lakes, with emphasis on the removal of toxic pollutants from bottom sediments. In selecting locations for conducting demonstration projects under this paragraph, priority consideration shall be given to projects at the following locations: Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ashtabula River, Ohio; and Buffalo River, New York.

101 STAT. 13

"(4) ADMINISTRATOR'S RESPONSIBILITY.—The Administrator shall ensure that the Program Office enters into agreements with the various organizational elements of the Agency involved in Great Lakes activities and the appropriate State agencies specifically delineating—

"(A) the duties and responsibilities of each such element in the Agency with respect to the Great Lakes;

"(B) the time periods for carrying out such duties and responsibilities; and

"(C) the resources to be committed to such duties and responsibilities.

"(5) BUDGET ITEM.—The Administrator shall, in the Agency's annual budget submission to Congress, include a funding request for the Program Office as a separate budget line item.

"(6) COMPREHENSIVE REPORT.—Within 90 days after the end of each fiscal year, the Administrator shall submit to Congress a comprehensive report which—

Research and development.
State and local governments.

"(A) describes the achievements in the preceding fiscal year in implementing the Great Lakes Water Quality Agreement of 1978 and shows by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on Great Lakes water quality initiatives in such preceding fiscal year;

"(B) describes the progress made in such preceding fiscal year in implementing the system of surveillance of the water quality in the Great Lakes System, including the monitoring of groundwater and sediment, with particular reference to toxic pollutants;

"(C) describes the long-term prospects for improving the condition of the Great Lakes; and

"(D) provides a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Great Lakes Water Quality Agreement of 1978, which assessment shall—

Research and development.
State and local govenments.

"(i) show by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amount anticipated to be expended on Great Lakes water quality initiatives in the fiscal year to which the assessment relates; and

"(ii) include a report of current programs administered by other Federal agencies which make available resources to the Great Lakes water quality management efforts.

"(d) GREAT LAKES RESEARCH.—

"(1) ESTABLISHMENT OF RESEARCH OFFICE.—There is established within the National Oceanic and Atmospheric Administration the Great Lakes Research Office.

"(2) IDENTIFICATION OF ISSUES.—The Research Office shall identify issues relating to the Great Lakes resources on which research is needed. The Research Office shall submit a report to Congress on such issues before the end of each fiscal year which shall identify any changes in the Great Lakes system with respect to such issues. Reports.

"(3) INVENTORY.—The Research Office shall identify and inventory Federal, State, university, and tribal environmental research programs (and, to the extent feasible, those of private organizations and other nations) relating to the Great Lakes system, and shall update that inventory every four years. State and local governments. Schools and colleges.

101 STAT. 14

"(4) RESEARCH EXCHANGE.—The Research Office shall establish a Great Lakes research exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning research projects which are ongoing or completed and which affect the Great Lakes System.

"(5) RESEARCH PROGRAM.—The Research Office shall develop, in cooperation with the Coordination Office, a comprehensive environmental research program and data base for the Great Lakes system. The data base shall include, but not be limited to, data relating to water quality, fisheries, and biota. Fish and fishing.

"(6) MONITORING.—The Research Office shall conduct, through the Great Lakes Environmental Research Laboratory, the National Sea Grant College program, other Federal laboratories, and the private sector, appropriate research and monitoring activities which address priority issues and current needs relating to the Great Lakes.

"(7) LOCATION.—The Research Office shall be located in a Great Lakes State.

"(e) RESEARCH AND MANAGEMENT COORDINATION.—

"(1) JOINT PLAN.—Before October 1 of each year, the Program Office and the Research Office shall prepare a joint research plan for the fiscal year which begins in the following calendar year.

"(2) CONTENTS OF PLAN.—Each plan prepared under paragraph (1) shall—

"(A) identify all proposed research dedicated to activities conducted under the Great Lakes Water Quality Agreement of 1978;

"(B) include the Agency's assessment of priorities for research needed to fulfill the terms of such Agreement; and

"(C) identify all proposed research that may be used to develop a comprehensive environmental data base for the Great Lakes System and establish priorities for development of such data base.

"(f) INTERAGENCY COOPERATION.—The head of each department, agency, or other instrumentality of the Federal Government which is engaged in, is concerned with, or has authority over programs relating to research, monitoring, and planning to maintain, enhance, preserve, or rehabilitate the environmental quality and natural resources of the Great Lakes, including the Chief of Engineers of the Army, the Chief of the Soil Conservation Service, the Commandant of the Coast Guard, the Director of the Fish and Wildlife Service, and the Administrator of the National Oceanic and Atmospheric Administration, shall submit an annual report to the Administrator with respect to the activities of that agency or office affecting compliance with the Great Lakes Water Quality Agreement of 1978. Reports.

"(g) RELATIONSHIP TO EXISTING FEDERAL AND STATE LAWS AND INTERNATIONAL TREATIES.—Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of any department, agency, or officer of the Federal Government or of any State government, or of any tribe, nor any powers, jurisdiction, or prerogatives of any international body created by treaty with authority relating to the Great Lakes.

101 STAT. 15

"(h) AUTHORIZATIONS OF GREAT LAKES APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section not to exceed $11,000,000 per fiscal year for the fiscal years 1987, 1988, 1989, 1990, and 1991. Of the amounts appropriated each fiscal year—

"(1) 40 percent shall be used by the Great Lakes National Program Office on demonstration projects on the feasibility of controlling and removing toxic pollutants;

"(2) 7 percent shall be used by the Great Lakes National Program Office for the program of nutrient monitoring; and

"(3) 30 percent shall be transferred to the National Oceanic and Atmospheric Administration for use by the Great Lakes Research Office.".

33 USC 1254a.

SEC. 105. RESEARCH ON EFFECTS OF POLLUTANTS.

33 USC 1254.

In carrying out the provisions of section 104(a) of the Federal Water Pollution Control Act, the Administrator shall conduct research on the harmful effects on the health and welfare of persons caused by pollutants in water, in conjunction with the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and other Federal, State, and interstate agencies carrying on such research. Such research shall include, and shall place special emphasis on, the effect that bioaccumulation of these pollutants in aquatic species has upon reducing the value of aquatic commercial and sport industries. Such research shall further study methods to reduce and remove these pollutants from the relevant affected aquatic species so as to restore and enhance these valuable resources.

TITLE II—CONSTRUCTION GRANTS AMENDMENTS

SEC. 201. TIME LIMIT ON RESOLVING CERTAIN DISPUTES.

33 USC 1281.

Section 201 is amended by adding at the end thereof the following new subsection:

Contracts.

"(p) TIME LIMIT ON RESOLVING CERTAIN DISPUTES.—In any case in which a dispute arises with respect to the awarding of a contract for construction of treatment works by a grantee of funds under this title and a party to such dispute files an appeal with the Administrator under this title for resolution of such dispute, the Administrator shall make a final decision on such appeal within 90 days of the filing of such appeal.".

SEC. 202. FEDERAL SHARE.

33 USC 1282.

(a) LIMITATION ON ELIGIBILITY AFTER 1990.—The last sentence of section 202(a)(1) is amended by inserting before the period at the end the following: "for any grant made pursuant to a State obligation which obligation occurred before October 1, 1990".

(b) PROJECTS UNDER JUDICIAL INJUNCTION.—Section 202(a)(1) is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this paragraph, in the case of a project for which an application for a grant under this title has been made to the Administrator before October 1, 1984, and which project is under judicial injunction on such date prohibiting its construction, such project shall be eligible for grants at 75 percent of the cost of construction thereof.".

101 STAT. 16

Pennsylvania.
33 USC 1282.

(c) PROJECTS UNDER JUDICIAL ORDER AND OTHER PROJECTS.—Section 202(a)(1) is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this paragraph, in the case of the Wyoming Valley Sanitary Authority project mandated by judicial order under a proceeding begun prior to October 1, 1984, and a project for wastewater treatment for Altoona, Pennsylvania, such projects shall be eligible for grants at 75 percent of the cost of construction thereof.".

(d) BIODISC EQUIPMENT.—Section 202(a)(3) is amended by adding at the end thereof the following: "In addition, the Administrator is authorized to make a grant to fund all of the costs of the modification or replacement of biodisc equipment (rotating biological contactors) in any publicly owned treatment works if the Administrator finds that such equipment has failed to meet design performance specifications, unless such failure is attributable to negligence on the part of any person, and if such failure has significantly increased capital or operating and maintenance expenditures.".

(e) INNOVATIVE PROCESS.—The activated bio-filter feature of the project for treatment works of the city of Little Falls, Minnesota, shall be deemed to be an innovative wastewater process and technique for purposes of section 202(a)(2) of the Federal Water Pollution Control Act and the amount of any grant under such Act for such feature shall be 85 percent of the cost thereof. Minnesota.

(f) AVAILABILITY OF CERTAIN FUNDS FOR NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal assistance made available by the Farmers Home Administration to any political subdivision of a State may be used to provide the non-Federal share of the cost of any construction project carried out under section 201 of the Federal Water Pollution Control Act. 33 USC 1281b. State and local governments.

SEC. 203. AGREEMENT ON ELIGIBLE COSTS. 33 USC 1281. Contracts.

Section 203(a) is amended by inserting "(1)" after "(a)", by designating the last sentence as paragraph (3) and indenting such sentence as a paragraph, and by inserting before paragraph (3) as so designated the following: 33 USC 1283.

"(2) AGREEMENT ON ELIGIBLE COSTS.—

"(A) LIMITATION ON MODIFICATIONS.—Before taking final action on any plans, specifications, and estimates submitted under this subsection after the 60th day following the date of the enactment of the Water Quality Act of 1987, the Administrator shall enter into a written agreement with the applicant which establishes and specifies which items of the proposed project are eligible for Federal payments under this section. The Administrator may not later modify such eligibility determinations unless they are found to have been made in violation of applicable Federal statutes and regulations.

"(B) LIMITATION ON EFFECT.—Eligibility determinations under this paragraph shall not preclude the Administrator from auditing a project pursuant to section 501 of this Act, or other authority, or from withholding or recovering Federal funds for costs which are found to be unreasonable, unsupported by adequate documentation, or otherwise unallowable under applicable Federal cost principles, or which are incurred on a project which fails to meet the design specifications or effluent limitations contained in the grant agreement and permit pursuant to section 402 of this Act for such project.". 33 USC 1361. 101 STAT. 17 33 USC 1342.

SEC. 204. DESIGN/BUILD PROJECTS.

Section 203 is amended by adding at the end the following new subsection: 33 USC 1283.

"(f) DESIGN/BUILD PROJECTS.—

"(1) AGREEMENT.—Consistent with State law, an applicant who proposes to construct waste water treatment works may enter into an agreement with the Administrator under this subsection providing for the preparation of construction plans and specifications and the erection of such treatment works, in lieu of proceeding under the other provisions of this section. State and local governments. Contracts.

"(2) LIMITATION ON PROJECTS.—Agreements under this subsection shall be limited to projects under an approved facility plan which projects are—

"(A) treatment works that have an estimated total cost of $8,000,000 or less, and

"(B) any of the following types of waste water treatment systems: aerated lagoons, trickling filters, stabilization ponds, land application systems, sand filters, and subsurface disposal systems.

"(3) REQUIRED TERMS.—An agreement entered into under this subsection shall—

"(A) set forth an amount agreed to as the maximum Federal contribution to the project, based upon a competitively bid document of basic design data and applicable standard construction specifications and a determination of the federally eligible costs of the project at the applicable Federal share under section 202 of this Act;

33 USC 1282.

"(B) set forth dates for the start and completion of construction of the treatment works by the applicant and a schedule of payments of the Federal contribution to the project;

"(C) contain assurances by the applicant that (i) engineering and management assistance will be provided to manage the project; (ii) the proposed treatment works will be an operable unit and will meet all the requirements of this title; and (iii) not later than 1 year after the date specified as the date of completion of construction of the treatment works, the treatment works will be operating so as to meet the requirements of any applicable permit for such treatment works under section 402 of this Act;

33 USC 1342.

"(D) require the applicant to obtain a bond from the contractor in an amount determined necessary by the Administrator to protect the Federal interest in the project; and

"(E) contain such other terms and conditions as are necessary to assure compliance with this title (except as provided in paragraph (4) of this subsection).

"(4) LIMITATION ON APPLICATION.—Subsections (a), (b), and (c) of this section shall not apply to grants made pursuant to this subsection.

Grants.

"(5) RESERVATION TO ASSURE COMPLIANCE.—The Administrator shall reserve a portion of the grant to assure contract compliance until final project approval as defined by the Administrator. If the amount agreed to under paragraph (3)(A) exceeds the cost of designing and constructing the treatment works, the Administrator shall reallot the amount of the excess to the State in which such treatment works are located for the fiscal year in which such audit is completed.

101 STAT. 18

"(6) LIMITATION ON OBLIGATIONS.—The Administrator shall not obligate more than 20 percent of the amount allotted to a State for a fiscal year under section 205 of this Act for grants pursuant to this subsection.

33 USC 1285.

"(7) ALLOWANCE.—The Administrator shall determine an allowance for facilities planning for projects constructed under this subsection in accordance with section 201(l).

33 USC 1281.

"(8) LIMITATION ON FEDERAL CONTRIBUTIONS.—In no event shall the Federal contribution for the cost of preparing construction plans and specifications and the building and erection of treatment works pursuant to this subsection exceed the amount agreed upon under paragraph (3).

Grants.

"(9) RECOVERY ACTION.—In any case in which the recipient of a grant made pursuant to this subsection does not comply with the terms of the agreement entered into under paragraph (3), the Administrator is authorized to take such action as may be necessary to recover the amount of the Federal contribution to the project.

Grants.

"(10) PREVENTION OF DOUBLE BENEFITS.—A recipient of a grant made pursuant to this subsection shall not be eligible for any other grants under this title for the same project.".

SEC. 205. GRANT CONDITIONS; USER CHARGES ON LOW-INCOME RESIDENTIAL USERS.

(a) INCLUSION OF PROJECT IN AREAWIDE PLAN.—Section 204(a)(1) is amended to read as follows: 33 USC 1284.

"(1) that any required areawide waste treatment management plan under section 208 of this Act (A) is being implemented for such area and the proposed treatment works are included in such plan, or (B) is being developed for such area and reasonable progress is being made toward its implementation and the proposed treatment works will be included in such plan;". 33 USC 1288.

(b) CONTINUING PLANNING PROCESS.—Section 204(a)(2) is amended to read as follows:

"(2) that (A) the State in which the project is to be located (i) is implementing any required plan under section 303(e) of this Act and the proposed treatment works are in conformity with such plan, or (ii) is developing such a plan and the proposed treatment works will be in conformity with such plan, and (B) such State is in compliance with section 305(b) of this Act;". State and local governments. 33 USC 1313. 33 USC 1315.

(c) USER CHARGES ON LOW-INCOME RESIDENTIAL USERS.—Section 204(b)(1) is amended by adding at the end thereof the following: "A system of user charges which imposes a lower charge for low-income residential users (as defined by the Administrator) shall be deemed to be a user charge system meeting the requirements of clause (A) of this paragraph if the Administrator determines that such system was adopted after public notice and hearing.".

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (a) and (b) shall take effect on the last day of the two-year period beginning on such date of enactment. 33 USC 1284 note.

101 STAT. 19

SEC. 206. ALLOTMENT FORMULA.

(a) FORMULA.—

(1) EXTENSION OF EXISTING FORMULA FOR 1986.—Section 205(c)(2) is amended by striking out "and September 30, 1985," and inserting in lieu thereof "September 30, 1985, and September 30, 1986,". 33 USC 1285.

(2) FISCAL YEARS 1987-1990.—Section 205(c) is amended by adding at the end the following new paragraph:

"(3) FISCAL YEARS 1987-1990.—Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1987, 1988, 1989, and 1990 shall be allotted for each such year by the Administrator not later than the 10th day which begins after the date of the enactment of this paragraph. Sums authorized for such fiscal years shall be allotted in accordance with the following table: 33 USC 1287.

"States:

Alabama	.011309
Alaska	.006053
Arizona	.006831
Arkansas	.006616
California	.072333
Colorado	.008090
Connecticut	.012390
Delaware	.004965
District of Columbia	.004965
Florida	.034139
Georgia	.017100
Hawaii	.007833
Idaho	.004965
Illinois	.045741
Indiana	.024374
Iowa	.013688
Kansas	.009129
Kentucky	.012872
Louisiana	.011118
Maine	.007829
Maryland	.024461
Massachusetts	.034338
Michigan	.043487

Minnesota	.018589
Mississippi	.009112
Missouri	.028037
Montana	.004965
Nebraska	.005173
Nevada	.004965
New Hampshire	.010107
New Jersey	.041329
New Mexico	.004965
New York	.111632
North Carolina	.018253
North Dakota	.004965
Ohio	.056936
Oklahoma	.008171
Oregon	.011425
Pennsylvania	.040062
Rhode Island	.006791
South Carolina	.010361
South Dakota	.004965
Tennessee	.014692
Texas	.046226
Utah	.005329
Vermont	.004965
Virginia	.020698
Washington	.017588
West Virginia	.015766
Wisconsin	.027342
Wyoming	.004965
American Samoa	.000908
Guam	.000657
Northern Marianas	.000422
Puerto Rico	.013191
Pacific Trust Territories	.001295
Virgin Islands	.000527".

101 STAT. 20

(b) EXTENSION OF MINIMUM ALLOTMENTS.—Section 205(e) is amended by striking out "and 1985" each place it appears and inserting in lieu thereof "1985, 1986, 1987, 1988, 1989, and 1990".

33 USC 1285.

(c) COSTS OF ADMINISTRATION.—Section 205(g)(1) is amended by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1994".

(d) CONTROL OF POLLUTANTS FROM STORM SEWERS.—Section 211(c) is amended by striking out "1985," and inserting in lieu thereof "1990,".

33 USC 1291.

SEC. 207. RURAL SET ASIDE.

(a) INCREASE IN MANDATORY SET ASIDE FOR RURAL STATES.—The first sentence of section 205(h) is amended by striking out "four per centum" and inserting in lieu thereof "a total (as determined by the Governor of the State) of not less than 4 percent nor more than 7½ percent".

(b) INCREASE IN AUTHORIZED SET ASIDE FOR OTHER STATES.—The second sentence of section 205(h) is amended by striking out "four per centum" and inserting in lieu thereof "7½ percent".

SEC. 208. INNOVATIVE AND ALTERNATIVE PROJECTS.

Section 205(i) is amended to read as follows:

State and local governments.

"(i) SET-ASIDE FOR INNOVATIVE AND ALTERNATIVE PROJECTS.—Not less than ½ of 1 percent of funds allotted to a State for each of the fiscal years ending September 30, 1979, through September 30, 1990, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works utilizing innovative processes and techniques pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the preceding sentence, a total of 2 percent of the funds allotted to a State for each of the fiscal years ending September 30, 1979, and September 30, 1980, and 3 percent of the funds allotted to a State for the fiscal year ending September 30, 1981, under subsection (c) of this section shall be expended only for increasing grants for construction of treatment works pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than 4 percent nor more than 7½ percent of the funds allotted to such State under subsection (c) of this section for each of

33 USC 1282.

the fiscal years ending September 30, 1982, through September 30, 1990, shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 202(a)(2) of this Act.".

SEC. 209. REGIONAL ORGANIZATION FUNDING.

Section 205(j)(3) is amended by adding at the end thereof the following: "In giving such priority, the State shall allocate at least 40 percent of the amount granted to such State for a fiscal year under paragraph (2) of this subsection to regional public comprehensive planning organizations in such State and appropriate interstate organizations for the development and implementation of the plan described in this paragraph. In any fiscal year for which the Governor, in consultation with such organizations and with the approval of the Administrator, determines that allocation of at least 40 percent of such amount to such organizations will not result in significant participation by such organizations in water quality management planning and not significantly assist in development and implementation of the plan described in this paragraph and achieving the goals of this Act, the allocation to such organization may be less than 40 percent of such amount.". State and local governments.

101 STAT. 21

SEC. 210. MARINE CSO'S AND ESTUARIES.

Section 205 is amended by adding at the end thereof the following new subsection: 33 USC 1285.

"(l) MARINE ESTUARY RESERVATION.—

"(1) RESERVATION OF FUNDS.—

"(A) GENERAL RULE.—Prior to making allotments among the States under subsection (c) of this section, the Administrator shall reserve funds from sums appropriated pursuant to section 207 for each fiscal year beginning after September 30, 1986. 33 USC 1287.

"(B) FISCAL YEARS 1987 AND 1988.—For each of fiscal years 1987 and 1988 the reservation shall be 1 percent of the sums appropriated pursuant to section 207 for such fiscal year.

"(C) FISCAL YEARS 1989 AND 1990.—For each of fiscal years 1989 and 1990 the reservation shall be 1½ percent of the funds appropriated pursuant to section 207 for such fiscal year.

"(2) USE OF FUNDS.—Of the sums reserved under this subsection, two-thirds shall be available to address water quality problems of marine bays and estuaries subject to lower levels of water quality due to the impacts of discharges from combined storm water and sanitary sewer overflows from adjacent urban complexes, and one-third shall be available for the implementation of section 320 of this Act, relating to the national estuary program. Urban areas.

"(3) PERIOD OF AVAILABILITY.—Sums reserved under this subsection shall be subject to the period of availability for obligation established by subsection (d) of this section.

"(4) TREATMENT OF CERTAIN BODY OF WATER.—For purposes of this section and section 201(n), Newark Bay, New Jersey, and the portion of the Passaic River up to Little Falls, in the vicinity of Beatties Dam, shall be treated as a marine bay and estuary.". New Jersey. 33 USC 1281.

SEC. 211. AUTHORIZATIONS FOR CONSTRUCTION GRANTS.

Section 207 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; and for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed $2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed $1,200,000,000.". 33 USC 1287.

SEC. 212. STATE WATER POLLUTION CONTROL REVOLVING FUNDS.

(a) ESTABLISHMENT OF PROGRAM.—The Act is amended by adding at the end thereof the following new title:

101 STAT. 22

"TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

33 USC 1381.

"SEC. 601. GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.

"(a) GENERAL AUTHORITY.—Subject to the provisions of this title, the Administrator shall make capitalization grants to each State for the purpose of establishing a water pollution control revolving fund for providing assistance (1) for construction of treatment works (as defined in section 212 of this Act) which are publicly owned, (2) for implementing a management program under section 319, and (3) for developing and implementing a conservation and management plan under section 320.

33 USC 1292.

Post, p. 52.

Post, p. 61.

"(b) SCHEDULE OF GRANT PAYMENTS.—The Administrator and each State shall jointly establish a schedule of payments under which the Administrator will pay to the State the amount of each grant to be made to the State under this title. Such schedule shall be based on the State's intended use plan under section 606(c) of this Act, except that—

Post, p. 25.

"(1) such payments shall be made in quarterly installments, and

"(2) such payments shall be made as expeditiously as possible, but in no event later than the earlier of—

"(A) 8 quarters after the date such funds were obligated by the State, or

"(B) 12 quarters after the date such funds were allotted to the State.

33 USC 1382.

"SEC. 602. CAPITALIZATION GRANT AGREEMENTS.

"(a) GENERAL RULE.—To receive a capitalization grant with funds made available under this title and section 205(m) of this Act, a State shall enter into an agreement with the Administrator which shall include but not be limited to the specifications set forth in subsection (b) of this section.

Post, p. 27.

"(b) SPECIFIC REQUIREMENTS.—The Administrator shall enter into an agreement under this section with a State only after the State has established to the satisfaction of the Administrator that—

"(1) the State will accept grant payments with funds to be made available under this title and section 205(m) of this Act in accordance with a payment schedule established jointly by the Administrator under section 601(b) of this Act and will deposit all such payments in the water pollution control revolving fund established by the State in accordance with this title;

"(2) the State will deposit in the fund from State moneys an amount equal to at least 20 percent of the total amount of all capitalization grants which will be made to the State with funds to be made available under this title and section 205(m) of this Act on or before the date on which each quarterly grant payment will be made to the State under this title;

"(3) the State will enter into binding commitments to provide assistance in accordance with the requirements of this title in an amount equal to 120 percent of the amount of each such grant payment within 1 year after the receipt of such grant payment;

101 STAT. 23

"(4) all funds in the fund will be expended in an expeditious and timely manner;

"(5) all funds in the fund as a result of capitalization grants under this title and section 205(m) of this Act will first be used to assure maintenance of progress, as determined by the Governor of the State, toward compliance with enforceable deadlines, goals, and requirements of this Act, including the municipal compliance deadline;

Post, p. 27.

"(6) treatment works eligible under section 603(c)(1) of this Act which will be constructed in whole or in part before fiscal year 1995 with funds directly made available by capitalization grants under this title and section 205(m) of this Act will meet the requirements of, or otherwise be treated (as determined by the Governor of the State) under sections 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(c)(1), and 513 of this Act in the same manner as treatment works constructed with assistance under title II of this Act; 33 USC 1281, 1284, 1291, 1298, 1371, 1372.

"(7) in addition to complying with the requirements of this title, the State will commit or expend each quarterly grant payment which it will receive under this title in accordance with laws and procedures applicable to the commitment or expenditure of revenues of the State; 33 USC 1281.

"(8) in carrying out the requirements of section 606 of this Act, the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards; *Post*, p. 25.

"(9) the State will require as a condition of making a loan or providing other assistance, as described in section 603(d) of this Act, from the fund that the recipient of such assistance will maintain project accounts in accordance with generally accepted government accounting standards; and Loans.

"(10) the State will make annual reports to the Administrator on the actual use of funds in accordance with section 606(d) of this Act. Reports.

Post, p. 26.

"SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS. 33 USC 1383.

"(a) REQUIREMENTS FOR OBLIGATION OF GRANT FUNDS.—Before a State may receive a capitalization grant with funds made available under this title and section 205(m) of this Act, the State shall first establish a water pollution control revolving fund which complies with the requirements of this section.

"(b) ADMINISTRATION.—Each State water pollution control revolving fund shall be administered by an instrumentality of the State with such powers and limitations as may be required to operate such fund in accordance with the requirements and objectives of this Act.

"(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance (1) to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212 of this Act), (2) for the implementation of a management program established under section 319 of this Act, and (3) for development and implementation of a conservation and management plan under section 320 of this Act. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing such financial assistance. 33 USC 1292. *Post*, p. 52. *Post*, p. 61.

101 STAT. 24

"(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law, a water pollution control revolving fund of a State under this section may be used only—

"(1) to make loans, on the condition that—

"(A) such loans are made at or below market interest rates, including interest free loans, at terms not to exceed 20 years;

"(B) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans will be fully amortized not later than 20 years after project completion;

"(C) the recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

"(D) the fund will be credited with all payments of principal and interest on all loans;

"(2) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at

or below market rates, where such debt obligations were incurred after March 7, 1985;

Insurance

"(3) to guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates;

Securities

"(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of such bonds will be deposited in the fund;

"(5) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

"(6) to earn interest on fund accounts; and

"(7) for the reasonable costs of administering the fund and conducting activities under this title, except that such amounts shall not exceed 4 percent of all grant awards to such fund under this title.

"(e) LIMITATION TO PREVENT DOUBLE BENEFITS.—If a State makes, from its water pollution revolving fund, a loan which will finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works, the State shall ensure that if the recipient of such loan receives a grant under section 201(g) of this Act for construction of such treatment works and an allowance under section 201(l)(1) of this Act for non-Federal funds expended for such planning and preparation, such recipient will promptly repay such loan to the extent of such allowance.

33 USC 1281.

"(f) CONSISTENCY WITH PLANNING REQUIREMENTS.—A State may provide financial assistance from its water pollution control revolving fund only with respect to a project which is consistent with plans, if any, developed under sections 205(j), 208, 303(e), 319, and 320 of this Act.

33 USC 1285, 1288, 1313; *post*, pp. 52, 61.

"(g) PRIORITY LIST REQUIREMENT.—The State may provide financial assistance from its water pollution control revolving fund only with respect to a project for construction of a treatment works described in subsection (c)(1) if such project is on the State's priority list under section 216 of this Act. Such assistance may be provided regardless of the rank of such project on such list.

33 USC 1296.

"(h) ELIGIBILITY OF NON-FEDERAL SHARE OF CONSTRUCTION GRANT PROJECTS.—A State water pollution control revolving fund may provide assistance (other than under subsection (d)(1) of this section) to a municipality or intermunicipal or interstate agency with respect to the non-Federal share of the costs of a treatment works project for which such municipality or agency is receiving assistance from the Administrator under any other authority only if such assistance is necessary to allow such project to proceed.

101 STAT. 25

33 USC 1384.

"SEC. 604. ALLOTMENT OF FUNDS.

"(a) FORMULA.—Sums authorized to be appropriated to carry out this section for each of fiscal years 1989 and 1990 shall be allotted by the Administrator in accordance with section 205(c) of this Act.

33 USC 1285.

"(b) RESERVATION OF FUNDS FOR PLANNING.—Each State shall reserve each fiscal year 1 percent of the sums allotted to such State under this section for such fiscal year, or $100,000, whichever amount is greater, to carry out planning under sections 205(j) and 303(e) of this Act.

33 USC 1313.

"(c) ALLOTMENT PERIOD.—

"(1) PERIOD OF AVAILABILITY FOR GRANT AWARD.—Sums allotted to a State under this section for a fiscal year shall be available for obligation by the State during the fiscal year for which sums are authorized and during the following fiscal year.

"(2) REALLOTMENT OF UNOBLIGATED FUNDS.—The amount of any allotment not obligated by the State by the last day of the 2-year period of availability established by paragraph (1) shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under title II of this Act for the second fiscal year of such 2-year period. None of the funds reallotted by the Administrator shall

33 USC 1281.

be reallotted to any State which has not obligated all sums allotted to such State in the first fiscal year of such 2-year period.

"SEC. 605. CORRECTIVE ACTION. 33 USC 1385.

"(a) NOTIFICATION OF NONCOMPLIANCE.—If the Administrator determines that a State has not complied with its agreement with the Administrator under section 602 of this Act or any other requirement of this title, the Administrator shall notify the State of such noncompliance and the necessary corrective action. *Ante*, p. 22.

"(b) WITHHOLDING OF PAYMENTS.—If a State does not take corrective action within 60 days after the date a State receives notification of such action under subsection (a), the Administrator shall withhold additional payments to the State until the Administrator is satisfied that the State has taken the necessary corrective action.

"(c) REALLOTMENT OF WITHHELD PAYMENTS.—If the Administrator is not satisfied that adequate corrective actions have been taken by the State within 12 months after the State is notified of such actions under subsection (a), the payments withheld from the State by the Administrator under subsection (b) shall be made available for reallotment in accordance with the most recent formula for allotment of funds under this title.

"SEC. 606. AUDITS, REPORTS, AND FISCAL CONTROLS; INTENDED USE PLAN. 33 USC 1386.

"(a) FISCAL CONTROL AND AUDITING PROCEDURES.—Each State electing to establish a water pollution control revolving fund under this title shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for—

101 STAT. 26

"(1) payments received by the fund;

"(2) disbursements made by the fund; and

"(3) fund balances at the beginning and end of the accounting period.

"(b) ANNUAL FEDERAL AUDITS.—The Administrator shall, at least on an annual basis, conduct or require each State to have independently conducted reviews and audits as may be deemed necessary or appropriate by the Administrator to carry out the objectives of this section. Audits of the use of funds deposited in the water pollution revolving fund established by such State shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code. 31 USC 7501 *et seq.*

"(c) INTENDED USE PLAN.—After providing for public comment and review, each State shall annually prepare a plan identifying the intended uses of the amounts available to its water pollution control revolving fund. Such intended use plan shall include, but not be limited to—

"(1) a list of those projects for construction of publicly owned treatment works on the State's priority list developed pursuant to section 216 of this Act and a list of activities eligible for assistance under sections 319 and 320 of this Act; 33 USC 1296. *Post*, pp. 52, 62.

"(2) a description of the short- and long-term goals and objectives of its water pollution control revolving fund;

"(3) information on the activities to be supported, including a description of project categories, discharge requirements under titles III and IV of this Act, terms of financial assistance, and communities served; 33 USC 1311, 1341.

"(4) assurances and specific proposals for meeting the requirements of paragraphs (3), (4), (5), and (6) of section 602(b) of this Act; and *Ante*, p. 22.

"(5) the criteria and method established for the distribution of funds.

"(d) ANNUAL REPORT.—Beginning the first fiscal year after the receipt of payments under this title, the State shall provide an annual report to the Administrator describing how the State has met the goals and objectives for the previous fiscal year as identified Loans.

in the plan prepared for the previous fiscal year pursuant to subsection (c), including identification of loan recipients, loan amounts, and loan terms and similar details on other forms of financial assistance provided from the water pollution control revolving fund.

Loans.

"(e) ANNUAL FEDERAL OVERSIGHT REVIEW.—The Administrator shall conduct an annual oversight review of each State plan prepared under subsection (c), each State report prepared under subsection (d), and other such materials as are considered necessary and appropriate in carrying out the purposes of this title. After reasonable notice by the Administrator to the State or the recipient of a loan from a water pollution control revolving fund, the State or loan recipient shall make available to the Administrator such records as the Administrator reasonably requires to review and determine compliance with this title.

33 USC 1281.

"(f) APPLICABILITY OF TITLE II PROVISIONS.—Except to the extent provided in this title, the provisions of title II shall not apply to grants under this title.

33 USC 1387.

"SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

101 STAT. 27

"There is authorized to be appropriated to carry out the purposes of this title the following sums:

"(1) $1,200,000,000 per fiscal year for each of fiscal years 1989 and 1990;

"(2) $2,400,000,000 for fiscal year 1991;

"(3) $1,800,000,000 for fiscal year 1992;

"(4) $1,200,000,000 for fiscal year 1993; and

"(5) $600,000,000 for fiscal year 1994.".

33 USC 1285.

(b) STATE-OPTION TO USE TITLE II FUNDS.—Section 205 is amended by adding at the end thereof the following new subsection:

"(m) DISCRETIONARY DEPOSITS INTO STATE WATER POLLUTION CONTROL REVOLVING FUNDS.—

"(1) FROM CONSTRUCTION GRANT ALLOTMENTS.—In addition to any amounts deposited in a water pollution control revolving fund established by a State under title VI, upon request of the Governor of such State, the Administrator shall make available to the State for deposit, as capitalization grants, in such fund in any fiscal year beginning after September 30, 1986, such portion of the amounts allotted to such State under this section for such fiscal year as the Governor considers appropriate; except that (A) in fiscal year 1987, such deposit may not exceed 50 percent of the amounts allotted to such State under this section for such fiscal year, and (B) in fiscal year 1988, such deposit may not exceed 75 percent of the amounts allotted to such State under this section for this fiscal year.

Ante, p. 22.

"(2) NOTICE REQUIREMENT.—The Governor of a State may make a request under paragraph (1) for a deposit into the water pollution control revolving fund of such State—

"(A) in fiscal year 1987 only if no later than 90 days after the date of the enactment of this subsection, and

"(B) in each fiscal year thereafter only if 90 days before the first day of such fiscal year,

the State provides notice of its intent to make such deposit.

"(3) EXCEPTION.—Sums reserved under section 205(j) of this Act shall not be available for obligation under this subsection.".

33 USC 1375.

(c) REPORT TO CONGRESS.—Section 516 is amended by adding at the end thereof the following new subsection:

"(g) STATE REVOLVING FUND REPORT.—

"(1) IN GENERAL.—Not later than February 10, 1990, the Administrator shall submit to Congress a report on the financial status and operations of water pollution control revolving funds established by the States under title VI of this Act. The Administrator shall prepare such report in cooperation with the States, including water pollution control agencies and other water pollution control planning and financing agencies.

"(2) CONTENTS.—The report under this subsection shall also include the following:

"(A) an inventory of the facilities that are in significant noncompliance with the enforceable requirements of this Act;

"(B) an estimate of the cost of construction necessary to bring such facilities into compliance with such requirements;

"(C) an assessment of the availability of sources of funds for financing such needed construction, including an estimate of the amount of funds available for providing assistance for such construction through September 30, 1999, from the water pollution control revolving funds established by the States under title VI of this Act;

"(D) an assessment of the operations, loan portfolio, and loan conditions of such revolving funds; Loans.

"(E) an assessment of the effect on user charges of the assistance provided by such revolving funds compared to the assistance provided with funds appropriated pursuant to section 207 of this Act; and

33 USC 1287.

"(F) an assessment of the efficiency of the operation and maintenance of treatment works constructed with assistance provided by such revolving funds compared to the efficiency of the operation and maintenance of treatment works constructed with assistance provided under section 201 of this Act.".

33 USC 1281.

SEC. 213. IMPROVEMENT PROJECTS.

(a) AVALON, CALIFORNIA.—The Administrator shall make a grant of $3,000,000 from funds allotted under section 205 of the Federal Water Pollution Control Act to the State of California for fiscal year 1987 to the city of Avalon, California, for improvements to the publicly owned treatment works of such city. 33 USC 1285.

(b) WALKER AND SMITHFIELD TOWNSHIPS, PENNSYLVANIA.—Out of funds available for grants in the State of Pennsylvania under the third sentence of section 201(g)(1) of the Federal Water Pollution Control Act in fiscal year 1987, the Administrator shall make grants—

(1) to Walker Township, Pennsylvania, for developing a collector system and connecting its wastewater treatment system into the Huntingdon Borough, Pennsylvania, sewage treatment plant, and

(2) to Smithfield Township, Pennsylvania, for rehabilitating and extending its collector system.

(c) TAYLOR MILL, KENTUCKY.—Notwithstanding section 201(g)(1) of the Federal Water Pollution Control Act or any other provision of law, the Administrator shall make a grant of $250,000 from funds allotted under section 205 of such Act to the State of Kentucky for fiscal year 1986 to the city of Taylor Mill, Kentucky, for the repair and reconstruction, as necessary, of the publicly owned treatment works of such city.

(d) NEVADA COUNTY, CALIFORNIA.—Out of funds available for grants in the State of California under the third sentence of section 201(g)(1) of the Federal Water Pollution Control Act in fiscal year 1987, the Administrator shall make a grant for the construction of a collection system serving the Glenshire/Devonshire area of Nevada County, California, to deliver waste to the Tahoe-Truckee Sanitary District's regional wastewater treatment facility.

(e) TREATMENT WORKS FOR WANAQUE, NEW JERSEY.—In fiscal year 1987 and succeeding fiscal years, the Administrator shall make grants to the Wanaque Valley Regional Sewerage Authority, New Jersey, from funds allotted under section 205 of the Federal Water Pollution Control Act to the State of New Jersey for such fiscal year, for the construction of treatment works with a total treatment capacity of 1,050,000 gallons per day (including a treatment module with a treatment capacity of 350,000 gallons per day). Notwithstanding section 202 of such Act, the Federal share of the cost of construction of such treatment works shall be 75 percent. 33 USC 1282.

101 STAT. 29

(f) TREATMENT WORKS FOR LENA, ILLINOIS.—The Administrator shall make grants to the village of Lena, Illinois, from funds allotted under section 205 of the Federal Water Pollution Control Act to the State of Illinois for fiscal years beginning after September 30, 1986, for the construction of a replacement moving bed filter press for the treatment works of such village. Notwithstanding section 202 of the Federal Water Pollution Control Act, the Federal share of the cost of construction of such project shall be 75 percent.

33 USC 1282.

Pennsylvania.
Wyoming.
33 USC 1285.

(g) PRIORITY FOR COURT-ORDERED AND OTHER PROJECTS.—The State of Pennsylvania, from funds allotted to it under section 205 of the Federal Water Pollution Control Act, shall give priority for construction of—

(1) the Wyoming Valley Sanitary Authority Secondary Treatment project mandated under Federal court order, regardless of the date of start of construction made pursuant to the court order; and

(2) a project for wastewater treatment for Altoona, Pennsylvania.

SEC. 214. CHICAGO TUNNEL AND RESERVOIR PROJECT.

The Chicago tunnel and reservoir project may receive grants under the last sentence of section 201(g)(1) of the Federal Water Pollution Control Act without regard to the limitation contained in such sentence if the Administrator determines that such project meets the cost-effectiveness requirements of sections 217 and 218 of such Act without any redesign or reconstruction and if the Governor of the affected State demonstrates to the satisfaction of the Administrator the water quality benefits of such project.

33 USC 1281.

33 USC 1297, 1298.

SEC. 215. AD VALOREM TAX DEDICATION.

New Hampshire.
Ante, p. 18.

For the purposes of complying with section 204(b)(1) of the Federal Water Pollution Control Act, the ad valorem tax user charge systems of the town of Hampton and the city of Nashua, New Hampshire, shall be deemed to have been dedicated as of December 27, 1977. The Administrator shall review such ad valorem tax user charge systems for compliance with the remaining requirements of such section and related regulations of the Environmental Protection Agency.

TITLE III—STANDARDS AND ENFORCEMENTS

SEC. 301. COMPLIANCE DATES.

33 USC 1311.

(a) PRIORITY TOXIC POLLUTANTS.—Section 301(b)(2)(C) is amended by striking out "not later than July 1, 1984," and inserting after "of this paragraph" the following: "as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989".

33 USC 1314.

(b) OTHER TOXIC POLLUTANTS.—Section 301(b)(2)(D) is amended by striking out "not later than three years after the date such limitations are established" and inserting in lieu thereof "as expeditiously as practicable, but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989".

(c) CONVENTIONAL POLLUTANTS.—Section 301(b)(2)(E) is amended by striking "not later than July 1, 1984," and inserting in lieu thereof "as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989, compliance with".

101 STAT. 30

33 USC 1314.

33 USC 1311.

(d) OTHER POLLUTANTS.—Section 301(b)(2)(F) is amended by striking "not" after "subparagraph (A) of this paragraph" and inserting in lieu thereof "as expeditiously as practicable but in no case", and

by striking "or not later than July 1, 1984," and all that follows through the end of the sentence and inserting in lieu thereof "and in no case later than March 31, 1989.".

(e) STRICTER BPT.—Section 301(b) is amended by adding at the end the following new paragraph:

"(3)(A) for effluent limitations under paragraph (1)(A)(i) of this subsection promulgated after January 1, 1982, and requiring a level of control substantially greater or based on fundamentally different control technology than under permits for an industrial category issued before such date, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989; and

"(B) for any effluent limitation in accordance with paragraph (1)(A)(i), (2)(A)(i), or (2)(E) of this subsection established only on the basis of section 402(a)(1) in a permit issued after enactment of the Water Quality Act of 1987, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are established, and in no case later than March 31, 1989.".

(f) DEADLINES FOR REGULATIONS FOR CERTAIN TOXIC POLLUTANTS.—The Administrator shall promulgate final regulations establishing effluent limitations in accordance with sections 301(b)(2)(A) and 307(b)(1) of the Federal Water Pollution Control Act for all toxic pollutants referred to in table 1 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives which are discharged from the categories of point sources in accordance with the following table: 33 USC 1311 note. 33 USC 1317.

Category	Date by which the final regulation shall be promulgated
Organic chemicals and plastics and synthetic fibers	December 31, 1986.
Pesticides	December 31, 1986.

SEC. 302. MODIFICATION FOR NONCONVENTIONAL POLLUTANTS.

(a) LISTING OF POLLUTANTS.—Section 301(g) is amended by redesignating paragraph (2) (and any references thereto) as paragraph (3) and by striking out all that precedes subparagraph (A) of paragraph (1) and inserting in lieu thereof the following:

"(g) MODIFICATIONS FOR CERTAIN NONCONVENTIONAL POLLUTANTS.—

"(1) GENERAL AUTHORITY.—The Administrator, with the concurrence of the State, may modify the requirements of subsection (b)(2)(A) of this section with respect to the discharge from any point source of ammonia, chlorine, color, iron, and total phenols (4AAP) (when determined by the Administrator to be a pollutant covered by subsection (b)(2)(F)) and any other pollutant which the Administrator lists under paragraph (4) of this subsection. State and local governments. 101 STAT. 31

"(2) REQUIREMENTS FOR GRANTING MODIFICATIONS.—A modification under this subsection shall be granted only upon a showing by the owner or operator of a point source satisfactory to the Administrator that—".

(b) PROCEDURE FOR LISTING ADDITIONAL POLLUTANTS; REMOVAL.—Section 301(g) is further amended by adding at the end thereof the following new paragraphs: *Ante*, p. 30.

"(4) PROCEDURES FOR LISTING ADDITIONAL POLLUTANTS.—

"(A) GENERAL AUTHORITY.—Upon petition of any person, the Administrator may add any pollutant to the list of pollutants for which modification under this section is au-

33 USC 1314
33 USC 1317

thorized (except for pollutants identified pursuant to section 304(a)(4) of this Act, toxic pollutants subject to section 307(a) of this Act, and the thermal component of discharges) in accordance with the provisions of this paragraph.

"(B) REQUIREMENTS FOR LISTING.—

"(i) SUFFICIENT INFORMATION.—The person petitioning for listing of an additional pollutant under this subsection shall submit to the Administrator sufficient information to make the determinations required by this subparagraph.

"(ii) TOXIC CRITERIA DETERMINATION.—The Administrator shall determine whether or not the pollutant meets the criteria for listing as a toxic pollutant under section 307(a) of this Act.

"(iii) LISTING AS TOXIC POLLUTANT.—If the Administrator determines that the pollutant meets the criteria for listing as a toxic pollutant under section 307(a), the Administrator shall list the pollutant as a toxic pollutant under section 307(a).

"(iv) NONCONVENTIONAL CRITERIA DETERMINATION.—If the Administrator determines that the pollutant does not meet the criteria for listing as a toxic pollutant under such section and determines that adequate test methods and sufficient data are available to make the determinations required by paragraph (2) of this subsection with respect to the pollutant, the Administrator shall add the pollutant to the list of pollutants specified in paragraph (1) of this subsection for which modifications are authorized under this subsection.

"(C) REQUIREMENTS FOR FILING OF PETITIONS.—A petition for listing of a pollutant under this paragraph—

"(i) must be filed not later than 270 days after the date of promulgation of an applicable effluent guideline under section 304;

"(ii) may be filed before promulgation of such guideline; and

"(iii) may be filed with an application for a modification under paragraph (1) with respect to the discharge of such pollutant.

"(D) DEADLINE FOR APPROVAL OF PETITION.—A decision to add a pollutant to the list of pollutants for which modifications under this subsection are authorized must be made within 270 days after the date of promulgation of an applicable effluent guideline under section 304.

101 STAT. 32

"(E) BURDEN OF PROOF.—The burden of proof for making the determinations under subparagraph (B) shall be on the petitioner.

"(5) REMOVAL OF POLLUTANTS.—The Administrator may remove any pollutant from the list of pollutants for which modifications are authorized under this subsection if the Administrator determines that adequate test methods and sufficient data are no longer available for determining whether or not modifications may be granted with respect to such pollutant under paragraph (2) of this subsection.".

33 USC 1311.

(c) DEADLINE FOR APPROVAL OF MODIFICATIONS.—Section 301(j) is amended—

(1) in paragraph (2) by striking out "Any" and inserting in lieu thereof "Subject to paragraph (3) of this section, any"; and

(2) by adding at the end thereof the following new paragraphs:

"(3) COMPLIANCE REQUIREMENTS UNDER SUBSECTION (g).—

"(A) EFFECT OF FILING.—An application for a modification under subsection (g) and a petition for listing of a pollutant as a pollutant for which modifications are authorized under such subsection shall not stay the requirement that the person seeking such modification or listing comply with effluent limitations under this Act for all pollutants not the subject of such application or petition.

"(B) EFFECT OF DISAPPROVAL.—Disapproval of an application for a modification under subsection (g) shall not stay the requirement that the person seeking such modification comply with all applicable effluent limitations under this Act.

"(4) DEADLINE FOR SUBSECTION (g) DECISION.—An application for a modification with respect to a pollutant filed under subsection (g) must be approved or disapproved not later than 365 days after the date of such filing; except that in any case in which a petition for listing such pollutant as a pollutant for which modifications are authorized under such subsection is approved, such application must be approved or disapproved not later than 365 days after the date of approval of such petition.".

(d) CONFORMING AMENDMENTS.—(1) Paragraph (3) of section 301(g), as redesignated by subsection (a) of this section, is amended by inserting "LIMITATION ON AUTHORITY TO APPLY FOR SUBSECTION (c) MODIFICATION.—" before "If an owner" and by aligning such paragraph with paragraph (4) of such section, as added by subsection (b) of this section.

(2) Paragraph (2) of section 301(g) (as designated by subsection (a) of this section) is amended by realigning subparagraphs (A), (B), and (C) with subparagraph (A) of paragraph (4), as added by subsection (b) of this section.

(e) APPLICATION.— 33 USC 1311 note

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendments made by this section shall apply to all requests for modifications under section 301(g) of the Federal Water Pollution Control Act pending on the date of the enactment of this Act and shall not have the effect of extending the deadline established in section 301(j)(1)(B) of such Act.

(2) EXCEPTION.—The amendments made by this section shall not affect any application for a modification with respect to the discharge of ammonia, chlorine, color, iron, or total phenols (4AAP) under section 301(g) of the Federal Water Pollution Control Act pending on the date of the enactment of this Act; except that the Administrator must approve or disapprove such application not later than 365 days after the date of such enactment. 101 STAT. 33

SEC. 303. DISCHARGES INTO MARINE WATERS.

(a) CONSIDERATION OF OTHER SOURCES OF POLLUTANTS.—Section 301(h)(2) is amended by striking out "such modified requirements will not interfere" and inserting in lieu thereof the following: "the discharge of pollutants in accordance with such modified requirements will not interfere, alone or in combination with pollutants from other sources,". 33 USC 1311

(b) LIMITATION ON SCOPE OF MONITORING.—

(1) GENERAL RULE.—Section 301(h)(3) is amended by inserting before the semicolon at the end thereof the following: ", and the scope of such monitoring is limited to include only those scientific investigations which are necessary to study the effects of the proposed discharge".

(2) LIMITATION ON APPLICABILITY.—The amendment made by subsection (b) shall only apply to modifications and renewals of modifications which are tentatively or finally approved after the date of the enactment of this Act. 33 USC 1311 note

(c) URBAN AREA PRETREATMENT PROGRAM.—Section 301(h) is amended by redesignating paragraphs (6) and (7), and any references thereto, as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) in the case of any treatment works serving a population of 50,000 or more, with respect to any toxic pollutant introduced into such works by an industrial discharger for which pollutant there is no applicable pretreatment requirement in effect, sources introducing waste into such works are in compliance

with all applicable pretreatment requirements, the applicant will enforce such requirements, and the applicant has in effect a pretreatment program which, in combination with the treatment of discharges from such works, removes the same amount of such pollutant as would be removed if such works were to apply secondary treatment to discharges and if such works had no pretreatment program with respect to such pollutant;".

(d) PRIMARY TREATMENT FOR EFFLUENT.—

(1) GENERAL RULE.—Section 301(h) is amended by striking out the period at the end of paragraph (8) (as redesignated by subsection (c) of this section) and inserting in lieu thereof a semicolon and by inserting after such paragraph (8) the following new paragraph:

"(9) the applicant at the time such modification becomes effective will be discharging effluent which has received at least primary or equivalent treatment and which meets the criteria established under section 304(a)(1) of this Act after initial mixing in the waters surrounding or adjacent to the point at which such effluent is discharged.".

33 USC 1314.

(2) PRIMARY OR EQUIVALENT TREATMENT DEFINED.—Such section is further amended by inserting after the second sentence the following new sentence: "For the purposes of paragraph (9), 'primary or equivalent treatment' means treatment by screening, sedimentation, and skimming adequate to remove at least 30 percent of the biological oxygen demanding material and of the suspended solids in the treatment works influent, and disinfection, where appropriate.".

101 STAT. 34

(e) LIMITATIONS ON ISSUANCE OF PERMITS.—Section 301(h) is further amended by adding at the end thereof the following new sentences: "In order for a permit to be issued under this subsection for the discharge of a pollutant into marine waters, such marine waters must exhibit characteristics assuring that water providing dilution does not contain significant amounts of previously discharged effluent from such treatment works. No permit issued under this subsection shall authorize the discharge of any pollutant into saline estuarine waters which at the time of application do not support a balanced indigenous population of shellfish, fish and wildlife, or allow recreation in and on the waters or which exhibit ambient water quality below applicable water quality standards adopted for the protection of public water supplies, shellfish, fish and wildlife or recreational activities or such other standards necessary to assure support and protection of such uses. The prohibition contained in the preceding sentence shall apply without regard to the presence or absence of a causal relationship between such characteristics and the applicant's current or proposed discharge. Notwithstanding any other provisions of this subsection, no permit may be issued under this subsection for discharge of a pollutant into the New York Bight Apex consisting of the ocean waters of the Atlantic Ocean westward of 73 degrees 30 minutes west longitude and northward of 40 degrees 10 minutes north latitude.".

Fish and fishing. Wildlife. *Ante*, p. 33.

(f) APPLICATION FOR OCEAN DISCHARGE MODIFICATION.—Section 301(j)(1)(A) is amended by inserting before the semicolon at the end thereof the following: ", except that a publicly owned treatment works which prior to December 31, 1982, had a contractual arrangement to use a portion of the capacity of an ocean outfall operated by another publicly owned treatment works which has applied for or received modification under subsection (h), may apply for a modification of subsection (h) in its own right not later than 30 days after the date of the enactment of the Water Quality Act of 1987".

Contracts.

(g) GRANDFATHER OF CERTAIN APPLICANTS.—The amendments made by subsections (a), (c), (d), and (e) of this section shall not apply to an application for a permit under section 301(h) of the Federal Water Pollution Control Act which has been tentatively or finally approved by the Administrator before the date of the enactment of this Act; except that such amendments shall apply to all renewals of such permits after such date of enactment.

33 USC 1311 note.

SEC. 304. FILING DEADLINE FOR TREATMENT WORKS MODIFICATION.

(a) EXTENSION.—The second sentence of section 301(i)(1) is amended by striking out "of this subsection." and inserting in lieu thereof "of the Water Quality Act of 1987.". 33 USC 1311.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to those treatment works which are subject to a compliance schedule established before the date of the enactment of this Act by a court order or a final administrative order.

SEC. 305. INNOVATIVE TECHNOLOGY COMPLIANCE DEADLINES FOR DIRECT DISCHARGERS.

(a) EXTENSION OF DEADLINE.—Section 301(k) is amended by striking out "July 1, 1987," and inserting in lieu thereof "two years after the date for compliance with such effluent limitation which would otherwise be applicable under such subsection,". 101 STAT. 35

(b) EXTENSION TO CONVENTIONAL POLLUTANTS.—Section 301(k) is amended by inserting "or (b)(2)(E)" after "(b)(2)(A)" each place it appears. 33 USC 1311.

SEC. 306. FUNDAMENTALLY DIFFERENT FACTORS.

(a) GENERAL RULE.—Section 301 is amended by adding at the end the following new subsections:

"(n) FUNDAMENTALLY DIFFERENT FACTORS.—

"(1) GENERAL RULE.—The Administrator, with the concurrence of the State, may establish an alternative requirement under subsection (b)(2) or section 307(b) for a facility that modifies the requirements of national effluent limitation guidelines or categorical pretreatment standards that would otherwise be applicable to such facility, if the owner or operator of such facility demonstrates to the satisfaction of the Administrator that— State and local governments. 33 USC 1317.

"(A) the facility is fundamentally different with respect to the factors (other than cost) specified in section 304(b) or 304(g) and considered by the Administrator in establishing such national effluent limitation guidelines or categorical pretreatment standards; 33 USC 1314.

"(B) the application—

"(i) is based solely on information and supporting data submitted to the Administrator during the rulemaking for establishment of the applicable national effluent limitation guidelines or categorical pretreatment standard specifically raising the factors that are fundamentally different for such facility; or

"(ii) is based on information and supporting data referred to in clause (i) and information and supporting data the applicant did not have a reasonable opportunity to submit during such rulemaking;

"(C) the alternative requirement is no less stringent than justified by the fundamental difference; and

"(D) the alternative requirement will not result in a nonwater quality environmental impact which is markedly more adverse than the impact considered by the Administrator in establishing such national effluent limitation guideline or categorical pretreatment standard.

"(2) TIME LIMIT FOR APPLICATIONS.—An application for an alternative requirement which modifies the requirements of an effluent limitation or pretreatment standard under this subsection must be submitted to the Administrator within 180 days after the date on which such limitation or standard is established or revised, as the case may be.

"(3) TIME LIMIT FOR DECISION.—The Administrator shall approve or deny by final agency action an application submitted under this subsection within 180 days after the date such application is filed with the Administrator.

"(4) SUBMISSION OF INFORMATION.—The Administrator may allow an applicant under this subsection to submit information and supporting data until the earlier of the date the application is approved or denied or the last day that the Administrator has to approve or deny such application.

"(5) TREATMENT OF PENDING APPLICATIONS.—For the purposes of this subsection, an application for an alternative requirement based on fundamentally different factors which is pending on the date of the enactment of this subsection shall be treated as having been submitted to the Administrator on the 180th day following such date of enactment. The applicant may amend the application to take into account the provisions of this subsection.

101 STAT. 36

"(6) EFFECT OF SUBMISSION OF APPLICATION.—An application for an alternative requirement under this subsection shall not stay the applicant's obligation to comply with the effluent limitation guideline or categorical pretreatment standard which is the subject of the application.

"(7) EFFECT OF DENIAL.—If an application for an alternative requirement which modifies the requirements of an effluent limitation or pretreatment standard under this subsection is denied by the Administrator, the applicant must comply with such limitation or standard as established or revised, as the case may be.

"(8) REPORTS.—Every 6 months after the date of the enactment of this subsection, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the status of applications for alternative requirements which modify the requirements of effluent limitations under section 301 or 304 of this Act or any national categorical pretreatment standard under section 307(b) of this Act filed before, on, or after such date of enactment.

33 USC 1311, 1314.
33 USC 1317.

"(o) APPLICATION FEES.—The Administrator shall prescribe and collect from each applicant fees reflecting the reasonable administrative costs incurred in reviewing and processing applications for modifications submitted to the Administrator pursuant to subsections (c), (g), (i), (k), (m), and (n) of section 301, section 304(d)(4), and section 316(a) of this Act. All amounts collected by the Administrator under this subsection shall be deposited into a special fund of the Treasury entitled 'Water Permits and Related Services' which shall thereafter be available for appropriation to carry out activities of the Environmental Protection Agency for which such fees were collected.".

33 USC 1326.

33 USC 1311.

(b) CONFORMING AMENDMENT.—Section 301(l) is amended by striking out "The" and inserting in lieu thereof "Other than as provided in subsection (n) of this section, the".

Ante, p. 35.

33 USC 1342 note.

(c) PHOSPHATE FERTILIZER EFFLUENT LIMITATION.—

(1) ISSUANCE OF PERMIT.—As soon as possible after the date of the enactment of this Act, but not later than 180 days after such date of enactment, the Administrator shall issue permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act with respect to facilities—

(A) which were under construction on or before April 8, 1974, and

(B) for which the Administrator is proposing to revise the applicability of the effluent limitation established under section 301(b) of such Act for phosphate subcategory of the fertilizer manufacturing point source category to exclude such facilities.

(2) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(A) to require the Administrator to permit the discharge of gypsum or gypsum waste into the navigable waters,

(B) to affect the procedures and standards applicable to the Administrator in issuing permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act, and

(C) to affect the authority of any State to deny or condition certification under section 401 of such Act with respect to the issuance of permits under section 402(a)(1)(B) of such Act.

101 STAT. 37

33 USC 1342.

33 USC 1341.

SEC. 307. COAL REMINING OPERATIONS.

Section 301 is amended by adding at the end thereof the following:

Ante, p. 35.

"(p) MODIFIED PERMIT FOR COAL REMINING OPERATIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4) of this subsection, the Administrator, or the State in any case which the State has an approved permit program under section 402(b), may issue a permit under section 402 which modifies the requirements of subsection (b)(2)(A) of this section with respect to the pH level of any pre-existing discharge, and with respect to pre-existing discharges of iron and manganese from the remined area of any coal remining operation or with respect to the pH level or level of iron or manganese in any pre-existing discharge affected by the remining operation. Such modified requirements shall apply the best available technology economically achievable on a case-by-case basis, using best professional judgment, to set specific numerical effluent limitations in each permit.

State and local governments.

33 USC 1342.

"(2) LIMITATIONS.—The Administrator or the State may only issue a permit pursuant to paragraph (1) if the applicant demonstrates to the satisfaction of the Administrator or the State, as the case may be, that the coal remining operation will result in the potential for improved water quality from the remining operation but in no event shall such a permit allow the pH level of any discharge, and in no event shall such a permit allow the discharges of iron and manganese, to exceed the levels being discharged from the remined area before the coal remining operation begins. No discharge from, or affected by, the remining operation shall exceed State water quality standards established under section 303 of this Act.

State and local governments.

33 USC 1313.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) COAL REMINING OPERATION.—The term 'coal remining operation' means a coal mining operation which begins after the date of the enactment of this subsection at a site on which coal mining was conducted before the effective date of the Surface Mining Control and Reclamation Act of 1977.

"(B) REMINED AREA.—The term 'remined area' means only that area of any coal remining operation on which coal mining was conducted before the effective date of the Surface Mining Control and Reclamation Act of 1977.

30 USC 1201 note.

"(C) PRE-EXISTING DISCHARGE.—The term 'pre-existing discharge' means any discharge at the time of permit application under this subsection.

"(4) APPLICABILITY OF STRIP MINING LAWS.—Nothing in this subsection shall affect the application of the Surface Mining Control and Reclamation Act of 1977 to any coal remining operation, including the application of such Act to suspended solids.".

101 STAT. 38

SEC. 308. INDIVIDUAL CONTROL STRATEGIES FOR TOXIC POLLUTANTS.

(a) IN GENERAL.—Section 304 is amended by adding at the end thereof the following new subsection:

33 USC 1314.

"(l) INDIVIDUAL CONTROL STRATEGIES FOR TOXIC POLLUTANTS.—

"(1) STATE LIST OF NAVIGABLE WATERS AND DEVELOPMENT OF STRATEGIES.—Not later than 2 years after the date of the enactment of this subsection, each State shall submit to the Adminis-

trator for review, approval, and implementation under this subsection—

Agriculture and agricultural commodities. Fish and fishing. Wildlife. 33 USC 1311. 33 USC 1313.

"(A) a list of those waters within the State which after the application of effluent limitations required under section 301(b)(2) of this Act cannot reasonably be anticipated to attain or maintain (i) water quality standards for such waters reviewed, revised, or adopted in accordance with section 303(c)(2)(B) of this Act, due to toxic pollutants, or (ii) that water quality which shall assure protection of public health, public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water;

"(B) a list of all navigable waters in such State for which the State does not expect the applicable standard under section 303 of this Act will be achieved after the requirements of sections 301(b), 306, and 307(b) are met, due entirely or substantially to discharges from point sources of any toxic pollutants listed pursuant to section 307(a); 33 USC 1316, 1317.

"(C) for each segment of the navigable waters included on such lists, a determination of the specific point sources discharging any such toxic pollutant which is believed to be preventing or impairing such water quality and the amount of each such toxic pollutant discharged by each such source; and

"(D) for each such segment, an individual control strategy which the State determines will produce a reduction in the discharge of toxic pollutants from point sources identified by the State under this paragraph through the establishment of effluent limitations under section 402 of this Act and water quality standards under section 303(c)(2)(B) of this Act, which reduction is sufficient, in combination with existing controls on point and nonpoint sources of pollution, to achieve the applicable water quality standard as soon as possible, but not later than 3 years after the date of the establishment of such strategy. 33 USC 1342.

State and local governments.

"(2) APPROVAL OR DISAPPROVAL.—Not later than 120 days after the last day of the 2-year period referred to in paragraph (1), the Administrator shall approve or disapprove the control strategies submitted under paragraph (1) by any State.

"(3) ADMINISTRATOR'S ACTION.—If a State fails to submit control strategies in accordance with paragraph (1) or the Administrator does not approve the control strategies submitted by such State in accordance with paragraph (1), then, not later than 1 year after the last day of the period referred to in paragraph (2), the Administrator, in cooperation with such State and after notice and opportunity for public comment, shall implement the requirements of paragraph (1) in such State. In the implementation of such requirements, the Administrator shall, at a minimum, consider for listing under this subsection any navigable waters for which any person submits a petition to the Administrator for listing not later than 120 days after such last day.". 101 STAT. 39

33 USC 1369.

(b) JUDICIAL REVIEW.—Section 509(b)(1) is amended—

(1) by striking out "and (F)" and inserting in lieu thereof "(F)"; and

33 USC 1342.

(2) by inserting after "any permit under section 402," the following: "and (G) in promulgating any individual control strategy under section 304(l),". *Ante*, p. 38.

33 USC 1314.

(c) GUIDANCE TO STATES; INFORMATION ON WATER QUALITY CRITERIA FOR TOXICS.—Section 304(a) is amended by adding at the end the following new paragraphs:

"(7) GUIDANCE TO STATES.—The Administrator, after consultation with appropriate State agencies and on the basis of criteria and information published under paragraphs (1) and (2) of this subsection, shall develop and publish, within 9 months after the

date of the enactment of the Water Quality Act of 1987, guidance to the States on performing the identification required by section 304(l)(1) of this Act.

"(8) INFORMATION ON WATER QUALITY CRITERIA.—The Administrator, after consultation with appropriate State agencies and within 2 years after the date of the enactment of the Water Quality Act of 1987, shall develop and publish information on methods for establishing and measuring water quality criteria for toxic pollutants on other bases than pollutant-by-pollutant criteria, including biological monitoring and assessment methods.".

(d) WATER QUALITY CRITERIA FOR TOXIC POLLUTANTS.—Section 303(c)(2) is amended by inserting "(A)" after "(2)" and by adding the following new subparagraph: 33 USC 1313.

"(B) Whenever a State reviews water quality standards pursuant to paragraph (1) of this subsection, or revises or adopts new standards pursuant to this paragraph, such State shall adopt criteria for all toxic pollutants listed pursuant to section 307(a)(1) of this Act for which criteria have been published under section 304(a), the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State, as necessary to support such designated uses. Such criteria shall be specific numerical criteria for such toxic pollutants. Where such numerical criteria are not available, whenever a State reviews water quality standards pursuant to paragraph (1), or revises or adopts new standards pursuant to this paragraph, such State shall adopt criteria based on biological monitoring or assessment methods consistent with information published pursuant to section 304(a)(8). Nothing in this section shall be construed to limit or delay the use of effluent limitations or other permit conditions based on or involving biological monitoring or assessment methods or previously adopted numerical criteria.". State and local governments. 33 USC 1317. 33 USC 1314.

(e) MODIFICATIONS OF EFFLUENT LIMITATIONS.—

(1) IN GENERAL.—Section 302(b) is amended to read as follows: 33 USC 1312.

"(b) MODIFICATIONS OF EFFLUENT LIMITATIONS.—

"(1) NOTICE AND HEARING.—Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall publish such proposed limitation and within 90 days of such publication hold a public hearing.

"(2) PERMITS.— 101 STAT. 40

"(A) NO REASONABLE RELATIONSHIP.—The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for pollutants other than toxic pollutants if the applicant demonstrates at such hearing that (whether or not technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this Act) from achieving such limitation.

"(B) REASONABLE PROGRESS.—The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for toxic pollutants for a single period not to exceed 5 years if the applicant demonstrates to the satisfaction of the Administrator that such modified requirements (i) will represent the maximum degree of control within the economic capability of the owner and operator of the source, and (ii) will result in reasonable further progress beyond the requirements of section 301(b)(2) toward the requirements of subsection (a) of this section.". 33 USC 1311.

(2) CONFORMING AMENDMENTS.—Section 302(a) is amended— 33 USC 1312.

(A) by inserting "or as identified under section 304(l)" after "in the judgment of the Administrator"; and *Ante*, p. 38.

(B) by inserting "public health," after "protection of".

(f) SCHEDULE FOR REVIEW OF GUIDELINES.—Section 304 is amended by adding at the end the following new subsection:

"(m) SCHEDULE FOR REVIEW OF GUIDELINES.—

Federal Register, publication.

"(1) PUBLICATION.—Within 12 months after the date of the enactment of the Water Quality Act of 1987, and biennially thereafter, the Administrator shall publish in the Federal Register a plan which shall—

"(A) establish a schedule for the annual review and revision of promulgated effluent guidelines, in accordance with subsection (b) of this section;

"(B) identify categories of sources discharging toxic or nonconventional pollutants for which guidelines under subsection (b)(2) of this section and section 306 have not previously been published; and

33 USC 1316.

"(C) establish a schedule for promulgation of effluent guidelines for categories identified in subparagraph (B), under which promulgation of such guidelines shall be no later than 4 years after such date of enactment for categories identified in the first published plan or 3 years after the publication of the plan for categories identified in later published plans.

"(2) PUBLIC REVIEW.—The Administrator shall provide for public review and comment on the plan prior to final publication.".

33 USC 1375 note.

(g) WATER QUALITY IMPROVEMENT STUDY.—

(1) STUDY.—The Administrator shall study the water quality improvements which have been achieved by application of best available technology economically achievable pursuant to section 301(b)(2) of the Federal Water Pollution Control Act. Such study shall include, but not be limited to, an analysis of the effectiveness of the application of best available technology economically achievable pursuant to such section in attaining applicable water quality standards (including the standard specified in section 302(a) of such Act) and an analysis of the effectiveness of the water quality program under such Act and methods of improving such program, including site specific levels of treatment which will achieve the water quality goals of such Act.

101 STAT. 41

Ante, p. 40.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study conducted under subsection (a) together with recommendations for improving the water quality program and its effectiveness to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 309. PRETREATMENT STANDARDS.

(a) EXTENSION OF COMPLIANCE DATE BY POTW.—Section 307 is amended by adding at the end the following:

33 USC 1317.

"(e) COMPLIANCE DATE EXTENSION FOR INNOVATIVE PRETREATMENT SYSTEMS.—In the case of any existing facility that proposes to comply with the pretreatment standards of subsection (b) of this section by applying an innovative system that meets the requirements of section 301(k) of this Act, the owner or operator of the publicly owned treatment works receiving the treated effluent from such facility may extend the date for compliance with the applicable pretreatment standard established under this section for a period not to exceed 2 years—

Ante, p. 34.

"(1) if the Administrator determines that the innovative system has the potential for industrywide application, and

State and local governments.

"(2) if the Administrator (or the State in consultation with the Administrator, in any case in which the State has a pretreatment program approved by the Administrator)—

"(A) determines that the proposed extension will not cause the publicly owned treatment works to be in violation of its permit under section 402 or of section 405 or to contribute to such a violation, and

33 USC 1342, 1345.

"(B) concurs with the proposed extension.".

(b) INCREASE IN EPA EMPLOYEES.—The Administrator shall take such actions as may be necessary to increase the number of employees of the Environmental Protection Agency in order to effectively implement pretreatment requirements under section 307 of the Federal Water Pollution Control Act. 33 USC 1317 note.

SEC. 310. INSPECTION AND ENTRY.

(a) UNAUTHORIZED DISCLOSURE.—

(1) IN GENERAL.—Section 308(b) is amended by striking out all that follows "Code" and inserting in lieu thereof a period and the following: "Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) who knowingly or willfully publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information which is required to be considered confidential under this subsection shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports, or information to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.". Confidentiality. Records. 33 USC 1318. 101 STAT. 42

(2) CONFORMING AMENDMENT.—Section 308(a)(B) is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)" after "or his authorized representative". 33 USC 1318.

(b) ACCESS BY CONGRESS.—Section 308 is amended by adding at the end the following new subsection:

"(d) ACCESS BY CONGRESS.—Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of Congress, to such committee.".

SEC. 311. MARINE SANITATION DEVICES.

(a) STATE REGULATION OF HOUSEBOATS.—Section 312(f)(1) is amended by striking out "After" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), after" and by adding at the end thereof the following: 33 USC 1322.

"(B) A State may adopt and enforce a statute or regulation with respect to the design, manufacture, or installation or use of any marine sanitation device on a houseboat, if such statute or regulation is more stringent than the standards and regulations promulgated under this section. For purposes of this paragraph, the term 'houseboat' means a vessel which, for a period of time determined by the State in which the vessel is located, is used primarily as a residence and is not used primarily as a means of transportation.".

(b) STATE ENFORCEMENT.—Section 312(k) is amended by adding at the end the following: "The provisions of this section may also be enforced by a State.".

SEC. 312. CRIMINAL PENALTIES.

Section 309(c) is amended to read as follows: 33 USC 1319.

"(c) CRIMINAL PENALTIES.—

"(1) NEGLIGENT VIOLATIONS.—Any person who—

"(A) negligently violates section 301, 302, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program State and local governments. 33 USC 1311, 1312, 1316, 1317, 1318, 1328, 1345. 33 USC 1342.

33 USC 1344.

approved under section 402(a)(3) or 402(b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State; or

Hazardous materials.
State and local governments.

"(B) negligently introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable Federal, State, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under section 402 of this Act by the Administrator or a State;

101 STAT. 43

shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or by both.

"(2) KNOWING VIOLATIONS.—Any person who—

State and local governments.
33 USC 1311, 1312, 1316, 1317, 1318, 1328, 1345.
33 USC 1342.

"(A) knowingly violates section 301, 302, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State; or

33 USC 1344.

Hazardous materials.

"(B) knowingly introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable Federal, State, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under section 402 of this Act by the Administrator or a State;

shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $100,000 per day of violation, or by imprisonment of not more than 6 years, or by both.

"(3) KNOWING ENDANGERMENT.—

State and local governments.

"(A) GENERAL RULE.—Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

"(B) ADDITIONAL PROVISIONS.—For the purpose of subparagraph (A) of this paragraph—

"(i) in determining whether a defendant who is an individual knew that his conduct placed another person in imminent danger of death or serious bodily injury— 101 STAT. 44

"(I) the person is responsible only for actual awareness or actual belief that he possessed; and

"(II) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant;

except that in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information;

"(ii) it is an affirmative defense to prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of—

"(I) an occupation, a business, or a profession; or

"(II) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent;

and such defense may be established under this subparagraph by a preponderance of the evidence;

"(iii) the term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons; and

"(iv) the term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(4) FALSE STATEMENTS.—Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. Records.

"(5) TREATMENT OF SINGLE OPERATIONAL UPSET.—For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

"(6) RESPONSIBLE CORPORATE OFFICER AS 'PERSON'.—For the purpose of this subsection, the term 'person' means, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer. 33 USC 1362.

"(7) HAZARDOUS SUBSTANCE DEFINED.—For the purpose of this subsection, the term 'hazardous substance' means (A) any substance designated pursuant to section 311(b)(2)(A) of this Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (C) 101 STAT. 45 33 USC 1321. 42 USC 9602.

any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of this Act, and (E) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.".

42 USC 6921.
33 USC 1317.
15 USC 2606.

SEC. 313. CIVIL PENALTIES.

(a) VIOLATIONS OF PRETREATMENT REQUIREMENTS.—

33 USC 1319.

(1) GENERAL RULE.—Section 309(d) is amended by inserting ", or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act," after "section 404 of this Act by a State,".

33 USC 1342.
33 USC 1344.

State and local governments.
33 USC 1319 note.

(2) SAVINGS PROVISION.—No State shall be required before July 1, 1988, to modify a permit program approved or submitted under section 402 of the Federal Water Pollution Control Act as a result of the amendment made by paragraph (1).

(b) INCREASED PENALTY.—

(1) GENERAL RULE.—Section 309(d) is amended by striking out "$10,000 per day of such violation" and inserting in lieu thereof "$25,000 per day for each violation".

33 USC 1319 note.
33 USC 1251 note.

(2) INCREASED PENALTIES NOT REQUIRED UNDER STATE PROGRAMS.—The Federal Water Pollution Control Act shall not be construed as requiring a State to have a civil penalty for violations described in section 309(d) of such Act which has the same monetary amount as the civil penalty established by such section, as amended by paragraph (1). Nothing in this paragraph shall affect the Administrator's authority to establish or adjust by regulation a minimum acceptable State civil penalty.

Courts, U.S.

(c) FACTORS TO CONSIDER IN DETERMINING PENALTY AMOUNT.—Section 309(d) is amended by adding at the end thereof the following: "In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require. For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.".

(d) VIOLATIONS OF SECTION 404 PERMITS.—Section 404(s) is amended—

33 USC 1344.

(1) by striking out paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4), as so redesignated—

(A) by striking out "$10,000 per day of such violation" and inserting in lieu thereof "$25,000 per day for each violation";

Courts, U.S.

(B) by adding at the end thereof the following: "In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.".

101 STAT. 46

SEC. 314. ADMINISTRATIVE PENALTIES.

33 USC 1319.

(a) GENERAL RULE.—Section 309 is amended by adding at the end thereof the following:

"(g) ADMINISTRATIVE PENALTIES.—

"(1) VIOLATIONS.—Whenever on the basis of any information available—

"(A) the Administrator finds that any person has violated section 301, 302, 306, 307, 308, 318, or 405 of this Act, or has violated any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or in a permit issued under section 404 by a State, or

33 USC 1311, 1312, 1316, 1317, 1318, 1328, 1345.

33 USC 1342.

33 USC 1344.

"(B) the Secretary of the Army (hereinafter in this subsection referred to as the 'Secretary') finds that any person has violated any permit condition or limitation in a permit issued under section 404 of this Act by the Secretary,

the Administrator or Secretary, as the case may be, may, after consultation with the State in which the violation occurs, assess a class I civil penalty or a class II civil penalty under this subsection.

"(2) CLASSES OF PENALTIES.—

"(A) CLASS I.—The amount of a class I civil penalty under paragraph (1) may not exceed $10,000 per violation, except that the maximum amount of any class I civil penalty under this subparagraph shall not exceed $25,000. Before issuing an order assessing a civil penalty under this subparagraph, the Administrator or the Secretary, as the case may be, shall give to the person to be assessed such penalty written notice of the Administrator's or Secretary's proposal to issue such order and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

"(B) CLASS II.—The amount of a class II civil penalty under paragraph (1) may not exceed $10,000 per day for each day during which the violation continues; except that the maximum amount of any class II civil penalty under this subparagraph shall not exceed $125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code. The Administrator and the Secretary may issue rules for discovery procedures for hearings under this subparagraph.

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"(3) DETERMINING AMOUNT.—In determining the amount of any penalty assessed under this subsection, the Administrator or the Secretary, as the case may be, shall take into account the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require. For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

"(4) RIGHTS OF INTERESTED PERSONS.—

"(A) PUBLIC NOTICE.—Before issuing an order assessing a civil penalty under this subsection the Administrator or Secretary, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of such order.

"(B) PRESENTATION OF EVIDENCE.—Any person who comments on a proposed assessment of a penalty under this subsection shall be given notice of any hearing held under this subsection and of the order assessing such penalty. In any hearing held under this subsection, such person shall

have a reasonable opportunity to be heard and to present evidence.

"(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.—If no hearing is held under paragraph (2) before issuance of an order assessing a penalty under this subsection, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with paragraph (2)(A) in the case of a class I civil penalty and paragraph (2)(B) in the case of a class II civil penalty. If the Administrator or Secretary denies a hearing under this subparagraph, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

Federal Register, publication.

"(5) FINALITY OF ORDER.—An order issued under this subsection shall become final 30 days after its issuance unless a petition for judicial review is filed under paragraph (8) or a hearing is requested under paragraph (4)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

"(6) EFFECT OF ORDER.—

"(A) LIMITATION ON ACTIONS UNDER OTHER SECTIONS.—Action taken by the Administrator or the Secretary, as the case may be, under this subsection shall not affect or limit the Administrator's or Secretary's authority to enforce any provision of this Act; except that any violation—

"(i) with respect to which the Administrator or the Secretary has commenced and is diligently prosecuting an action under this subsection,

101 STAT. 48

"(ii) with respect to which a State has commenced and is diligently prosecuting an action under a State law comparable to this subsection, or

State and local governments.

"(iii) for which the Administrator, the Secretary, or the State has issued a final order not subject to further judicial review and the violator has paid a penalty assessed under this subsection, or such comparable State law, as the case may be,

shall not be the subject of a civil penalty action under subsection (d) of this section or section 311(b) or section 505 of this Act.

33 USC 1321, 1365.

"(B) APPLICABILITY OF LIMITATION WITH RESPECT TO CITIZEN SUITS.—The limitations contained in subparagraph (A) on civil penalty actions under section 505 of this Act shall not apply with respect to any violation for which—

"(i) a civil action under section 505(a)(1) of this Act has been filed prior to commencement of an action under this subsection, or

"(ii) notice of an alleged violation of section 505(a)(1) of this Act has been given in accordance with section 505(b)(1)(A) prior to commencement of an action under this subsection and an action under section 505(a)(1) with respect to such alleged violation is filed before the 120th day after the date on which such notice is given.

"(7) EFFECT OF ACTION ON COMPLIANCE.—No action by the Administrator or the Secretary under this subsection shall affect any person's obligation to comply with any section of this Act or with the terms and conditions of any permit issued pursuant to section 402 or 404 of this Act.

33 USC 1342, 1344.

"(8) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under this subsection or who commented on the

proposed assessment of such penalty in accordance with paragraph (4) may obtain review of such assessment—

"(A) in the case of assessment of a class I civil penalty, in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred, or

"(B) in the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business,

by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or the Secretary, as the case may be, and the Attorney General. The Administrator or the Secretary shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion. Records.

"(9) COLLECTION.—If any person fails to pay an assessment of a civil penalty— 101 STAT. 49

"(A) after the order making the assessment has become final, or

"(B) after a court in an action brought under paragraph (8) has entered a final judgment in favor of the Administrator or the Secretary, as the case may be,

the Administrator or the Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

"(10) SUBPOENAS.—The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(11) PROTECTION OF EXISTING PROCEDURES.—Nothing in this subsection shall change the procedures existing on the day before the date of the enactment of the Water Quality Act of 1987 under other subsections of this section for issuance and enforcement of orders by the Administrator.".

33 USC 1375 note.

(b) REPORTS ON ENFORCEMENT MECHANISMS.—The Secretary of the Army and the Administrator shall each prepare and submit a report to the Congress, not later than December 1, 1988, which shall examine and analyze various enforcement mechanisms for use by the Secretary or Administrator, as the case may be, including an administrative civil penalty mechanism. Each of such reports shall also include an examination, prepared in consultation with the Comptroller General, of the efficacy of the Secretary's or the Administrator's existing enforcement authorities and shall include recommendations for improvements in their operation.

33 USC 1365. 33 USC 1319.

(c) CONFORMING AMENDMENT.—Section 505(a) is amended by inserting "and section 309(g)(6)" after "Except as provided in subsection (b) of this section".

SEC. 315. CLEAN LAKES.

(a) ESTABLISHMENT AND SCOPE OF PROGRAM.—Section 314(a) is amended to read as follows:

33 USC 1324.

101 STAT. 50

"(a) ESTABLISHMENT AND SCOPE OF PROGRAM.—

"(1) STATE PROGRAM REQUIREMENTS.—Each State on a biennial basis shall prepare and submit to the Administrator for his approval—

"(A) an identification and classification according to eutrophic condition of all publicly owned lakes in such State;

"(B) a description of procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes;

"(C) a description of methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes;

"(D) methods and procedures to mitigate the harmful effects of high acidity, including innovative methods of neutralizing and restoring buffering capacity of lakes and methods of removing from lakes toxic metals and other toxic substances mobilized by high acidity;

"(E) a list and description of those publicly owned lakes in such State for which uses are known to be impaired, including those lakes which are known not to meet applicable water quality standards or which require implementation of control programs to maintain compliance with applicable standards and those lakes in which water quality has deteriorated as a result of high acidity that may reasonably be due to acid deposition; and

"(F) an assessment of the status and trends of water quality in lakes in such State, including but not limited to, the nature and extent of pollution loading from point and nonpoint sources and the extent to which the use of lakes is impaired as a result of such pollution, particularly with respect to toxic pollution.

"(2) SUBMISSION AS PART OF 305(b)(1) REPORT.—The information required under paragraph (1) shall be included in the report required under section 305(b)(1) of this Act, beginning with the report required under such section by April 1, 1988.

33 USC 1315.

"(3) REPORT OF ADMINISTRATOR.—Not later than 180 days after receipt from the States of the biennial information required under paragraph (1), the Administrator shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of water quality in lakes in the United States, including the effectiveness of the methods and procedures described in paragraph (1)(D).

Effective date. State and local governments. Grants.

"(4) ELIGIBILITY REQUIREMENT.—Beginning after April 1, 1988, a State must have submitted the information required under paragraph (1) in order to receive grant assistance under this section.".

(b) DEMONSTRATION PROGRAM.—Section 314 is amended by adding at the end thereof the following new subsections: 33 USC 1324

"(d) DEMONSTRATION PROGRAM.—

"(1) GENERAL REQUIREMENTS.—The Administrator is authorized and directed to establish and conduct at locations throughout the Nation a lake water quality demonstration program. The program shall, at a minimum— 101 STAT. 51

"(A) develop cost effective technologies for the control of pollutants to preserve or enhance lake water quality while optimizing multiple lakes uses;

"(B) control nonpoint sources of pollution which are contributing to the degradation of water quality in lakes;

"(C) evaluate the feasibility of implementing regional consolidated pollution control strategies;

"(D) demonstrate environmentally preferred techniques for the removal and disposal of contaminated lake sediments;

"(E) develop improved methods for the removal of silt, stumps, aquatic growth, and other obstructions which impair the quality of lakes;

"(F) construct and evaluate silt traps and other devices or equipment to prevent or abate the deposit of sediment in lakes; and

"(G) demonstrate the costs and benefits of utilizing dredged material from lakes in the reclamation of despoiled land.

"(2) GEOGRAPHICAL REQUIREMENTS.—Demonstration projects authorized by this subsection shall be undertaken to reflect a variety of geographical and environmental conditions. As a priority, the Administrator shall undertake demonstration projects at Lake Houston, Texas; Beaver Lake, Arkansas; Greenwood Lake and Belcher Creek, New Jersey; Deal Lake, New Jersey; Alcyon Lake, New Jersey; Gorton's Pond, Rhode Island; Lake Washington, Rhode Island; Lake Bomoseen, Vermont; Sauk Lake, Minnesota; and Lake Worth, Texas. Texas. Arkansas. New Jersey. Rhode Island. Vermont. Minnesota.

"(3) REPORTS.—The Administrator shall report annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on work undertaken pursuant to this subsection. Upon completion of the program authorized by this subsection, the Administrator shall submit to such committees a final report on the results of such program, along with recommendations for further measures to improve the water quality of the Nation's lakes.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection not to exceed $40,000,000 for fiscal years beginning after September 30, 1986, to remain available until expended.

"(B) SPECIAL AUTHORIZATIONS.—

"(i) AMOUNT.—There is authorized to be appropriated to carry out subsection (b) with respect to subsection (a)(1)(D) not to exceed $15,000,000 for fiscal years beginning after September 30, 1986, to remain available until expended.

"(ii) DISTRIBUTION OF FUNDS.—The Administrator shall provide for an equitable distribution of sums appropriated pursuant to this subparagraph among States carrying out approved methods and procedures. Such distribution shall be based on the relative needs of each such State for the mitigation of the harmful effects on lakes and other surface waters of high acidity that may reasonably be due to acid deposition or acid mine drainage. State and local governments.

State and local governments.

"(iii) GRANTS AS ADDITIONAL ASSISTANCE.—The amount of any grant to a State under this subparagraph shall be in addition to, and not in lieu of, any other Federal financial assistance.".

101 STAT. 52

(c) LAKE RESTORATION GUIDANCE MANUAL.—Section 304(j) is amended to read as follows:

33 USC 1314.

State and local governments.

"(j) LAKE RESTORATION GUIDANCE MANUAL.—The Administrator shall, within 1 year after the date of the enactment of the Water Quality Act of 1987 and biennially thereafter, publish and disseminate a lake restoration guidance manual describing methods, procedures, and processes to guide State and local efforts to improve, restore, and enhance water quality in the Nation's publicly owned lakes.".

33 USC 1324.

(d) CONFORMING AMENDMENTS.—Section 314 is further amended—

(1) in subsection (b) by striking out "this section" the first place it appears and inserting in lieu thereof "subsection (a) of this section";

(2) in subsection (c)(1) by striking out "this section" the first place it appears and inserting in lieu thereof "subsection (b) of this section" and by striking out "this section" the second place it appears and inserting in lieu thereof "subsection (a) of this section"; and

(3) in subsection (c)(2) by striking out "this section" the first place it appears and inserting in lieu thereof "subsection (b) of this section" and by striking out "this section" the second place it appears and inserting in lieu thereof "subsection (a) of this section".

SEC. 316. MANAGEMENT OF NONPOINT SOURCES OF POLLUTION.

(a) IN GENERAL.—Title III is amended by adding at the end the following new section:

33 USC 1329.

"SEC. 319. NONPOINT SOURCE MANAGEMENT PROGRAMS.

"(a) STATE ASSESSMENT REPORTS.—

"(1) CONTENTS.—The Governor of each State shall, after notice and opportunity for public comment, prepare and submit to the Administrator for approval, a report which—

"(A) identifies those navigable waters within the State which, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of this Act;

"(B) identifies those categories and subcategories of nonpoint sources or, where appropriate, particular nonpoint sources which add significant pollution to each portion of the navigable waters identified under subparagraph (A) in amounts which contribute to such portion not meeting such water quality standards or such goals and requirements;

"(C) describes the process, including intergovernmental coordination and public participation, for identifying best management practices and measures to control each category and subcategory of nonpoint sources and, where appropriate, particular nonpoint sources identified under subparagraph (B) and to reduce, to the maximum extent practicable, the level of pollution resulting from such category, subcategory, or source; and

101 STAT. 53

"(D) identifies and describes State and local programs for controlling pollution added from nonpoint sources to, and improving the quality of, each such portion of the navigable waters, including but not limited to those programs which are receiving Federal assistance under subsections (h) and (i).

"(2) INFORMATION USED IN PREPARATION.—In developing the report required by this section, the State (A) may rely upon

information developed pursuant to sections 208, 303(e), 304(f), 305(b), and 314, and other information as appropriate, and (B) may utilize appropriate elements of the waste treatment management plans developed pursuant to sections 208(b) and 303, to the extent such elements are consistent with and fulfill the requirements of this section. 33 USC 1288, 1313, 1314, 1315, 1324.

"(b) STATE MANAGEMENT PROGRAMS.—

"(1) IN GENERAL.—The Governor of each State, for that State or in combination with adjacent States, shall, after notice and opportunity for public comment, prepare and submit to the Administrator for approval a management program which such State proposes to implement in the first four fiscal years beginning after the date of submission of such management program for controlling pollution added from nonpoint sources to the navigable waters within the State and improving the quality of such waters.

"(2) SPECIFIC CONTENTS.—Each management program proposed for implementation under this subsection shall include each of the following:

"(A) An identification of the best management practices and measures which will be undertaken to reduce pollutant loadings resulting from each category, subcategory, or particular nonpoint source designated under paragraph (1)(B), taking into account the impact of the practice on ground water quality.

"(B) An identification of programs (including, as appropriate, nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to achieve implementation of the best management practices by the categories, subcategories, and particular nonpoint sources designated under subparagraph (A).

"(C) A schedule containing annual milestones for (i) utilization of the program implementation methods identified in subparagraph (B), and (ii) implementation of the best management practices identified in subparagraph (A) by the categories, subcategories, or particular nonpoint sources designated under paragraph (1)(B). Such schedule shall provide for utilization of the best management practices at the earliest practicable date.

"(D) A certification of the attorney general of the State or States (or the chief attorney of any State water pollution control agency which has independent legal counsel) that the laws of the State or States, as the case may be, provide adequate authority to implement such management program or, if there is not such adequate authority, a list of such additional authorities as will be necessary to implement such management program. A schedule and commitment by the State or States to seek such additional authorities as expeditiously as practicable. 101 STAT. 54

"(E) Sources of Federal and other assistance and funding (other than assistance provided under subsections (h) and (i)) which will be available in each of such fiscal years for supporting implementation of such practices and measures and the purposes for which such assistance will be used in each of such fiscal years.

"(F) An identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with the program prepared under this subsection; for the purposes of this subparagraph, identification shall not be limited to the assistance 3 CFR, 1982 Comp., p. 197.

programs or development projects subject to Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's nonpoint source pollution management program.

"(3) UTILIZATION OF LOCAL AND PRIVATE EXPERTS.—In developing and implementing a management program under this subsection, a State shall, to the maximum extent practicable, involve local public and private agencies and organizations which have expertise in control of nonpoint sources of pollution.

"(4) DEVELOPMENT ON WATERSHED BASIS.—A State shall, to the maximum extent practicable, develop and implement a management program under this subsection on a watershed-by-watershed basis within such State.

"(c) ADMINISTRATIVE PROVISIONS.—

Reports.
State and local governments.

"(1) COOPERATION REQUIREMENT.—Any report required by subsection (a) and any management program and report required by subsection (b) shall be developed in cooperation with local, substate regional, and interstate entities which are actively planning for the implementation of nonpoint source pollution controls and have either been certified by the Administrator in accordance with section 208, have worked jointly with the State on water quality management planning under section 205(j), or have been designated by the State legislative body or Governor as water quality management planning agencies for their geographic areas.

33 USC 1288.

33 USC 1285.

"(2) TIME PERIOD FOR SUBMISSION OF REPORTS AND MANAGEMENT PROGRAMS.—Each report and management program shall be submitted to the Administrator during the 18-month period beginning on the date of the enactment of this section.

"(d) APPROVAL OR DISAPPROVAL OF REPORTS AND MANAGEMENT PROGRAMS.—

"(1) DEADLINE.—Subject to paragraph (2), not later than 180 days after the date of submission to the Administrator of any report or management program under this section (other than subsections (h), (i), and (k)), the Administrator shall either approve or disapprove such report or management program, as the case may be. The Administrator may approve a portion of a management program under this subsection. If the Administrator does not disapprove a report, management program, or portion of a management program in such 180-day period, such report, management program, or portion shall be deemed approved for purposes of this section.

101 STAT. 55

"(2) PROCEDURE FOR DISAPPROVAL.—If, after notice and opportunity for public comment and consultation with appropriate Federal and State agencies and other interested persons, the Administrator determines that—

"(A) the proposed management program or any portion thereof does not meet the requirements of subsection (b)(2) of this section or is not likely to satisfy, in whole or in part, the goals and requirements of this Act;

"(B) adequate authority does not exist, or adequate resources are not available, to implement such program or portion;

"(C) the schedule for implementing such program or portion is not sufficiently expeditious; or

"(D) the practices and measures proposed in such program or portion are not adequate to reduce the level of pollution in navigable waters in the State resulting from nonpoint sources and to improve the quality of navigable waters in the State;

the Administrator shall within 6 months of the receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall thereupon have an additional 3 months to submit its revised management program and the Administrator shall approve or disapprove such revised program within three months of receipt.

State and local governments.

"(3) FAILURE OF STATE TO SUBMIT REPORT.—If a Governor of a State does not submit the report required by subsection (a) within the period specified by subsection (c)(2), the Administrator shall, within 30 months after the date of the enactment of this section, prepare a report for such State which makes the identifications required by paragraphs (1)(A) and (1)(B) of subsection (a). Upon completion of the requirement of the preceding sentence and after notice and opportunity for comment, the Administrator shall report to Congress on his actions pursuant to this section.

"(e) LOCAL MANAGEMENT PROGRAMS; TECHNICAL ASSISTANCE.—If a State fails to submit a management program under subsection (b) or the Administrator does not approve such a management program, a local public agency or organization which has expertise in, and authority to, control water pollution resulting from nonpoint sources in any area of such State which the Administrator determines is of sufficient geographic size may, with approval of such State, request the Administrator to provide, and the Administrator shall provide, technical assistance to such agency or organization in developing for such area a management program which is described in subsection (b) and can be approved pursuant to subsection (d). After development of such management program, such agency or organization shall submit such management program to the Administrator for approval. If the Administrator approves such management program, such agency or organization shall be eligible to receive financial assistance under subsection (h) for implementation of such management program as if such agency or organization were a State for which a report submitted under subsection (a) and a management program submitted under subsection (b) were approved under this section. Such financial assistance shall be subject to the same terms and conditions as assistance provided to a State under subsection (h).

101 STAT. 56

"(f) TECHNICAL ASSISTANCE FOR STATES.—Upon request of a State, the Administrator may provide technical assistance to such State in developing a management program approved under subsection (b) for those portions of the navigable waters requested by such State.

"(g) INTERSTATE MANAGEMENT CONFERENCE.—

"(1) CONVENING OF CONFERENCE; NOTIFICATION; PURPOSE.—If any portion of the navigable waters in any State which is implementing a management program approved under this section is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of pollution from nonpoint sources in another State, such State may petition the Administrator to convene, and the Administrator shall convene, a management conference of all States which contribute significant pollution resulting from nonpoint sources to such portion. If, on the basis of information available, the Administrator determines that a State is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of significant pollution from nonpoint sources in another State, the Administrator shall notify such States. The Administrator may convene a management conference under this paragraph not later than 180 days after giving such notification, whether or not the State which is not meeting such standards requests such conference. The purpose of such conference shall be to develop an agreement among such States to reduce the level of pollution in such portion resulting from nonpoint sources and to improve the water quality of such portion. Nothing in such agreement shall supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws. This subsection shall not apply to any pollution which is subject to the Colorado River Basin Salinity Control Act. The requirement that the Administrator convene a management conference shall not be subject to the provisions of section 505 of this Act.

State and local governments.

43 USC 1571 note.

33 USC 1365.

"(2) STATE MANAGEMENT PROGRAM REQUIREMENT.—To the extent that the States reach agreement through such conference, the management programs of the States which are parties to such agreements and which contribute significant pollution to the navigable waters or portions thereof not meeting applicable water quality standards or goals and requirements of this Act will be revised to reflect such agreement. Such management programs shall be consistent with Federal and State law.

State and local governments.

"(h) GRANT PROGRAM.—

"(1) GRANTS FOR IMPLEMENTATION OF MANAGEMENT PROGRAMS.--Upon application of a State for which a report submitted under subsection (a) and a management program submitted under subsection (b) is approved under this section, the Administrator shall make grants, subject to such terms and conditions as the Administrator considers appropriate, under this subsection to such State for the purpose of assisting the State in implementing such management program. Funds reserved pursuant to section 205(j)(5) of this Act may be used to develop and implement such management program.

33 USC 1285.
101 STAT. 57

"(2) APPLICATIONS.—An application for a grant under this subsection in any fiscal year shall be in such form and shall contain such other information as the Administrator may require, including an identification and description of the best management practices and measures which the State proposes to assist, encourage, or require in such year with the Federal assistance to be provided under the grant.

"(3) FEDERAL SHARE.—The Federal share of the cost of each management program implemented with Federal assistance under this subsection in any fiscal year shall not exceed 60 percent of the cost incurred by the State in implementing such management program and shall be made on condition that the non-Federal share is provided from non-Federal sources.

"(4) LIMITATION ON GRANT AMOUNTS.—Notwithstanding any other provision of this subsection, not more than 15 percent of the amount appropriated to carry out this subsection may be used to make grants to any one State, including any grants to any local public agency or organization with authority to control pollution from nonpoint sources in any area of such State.

"(5) PRIORITY FOR EFFECTIVE MECHANISMS.—For each fiscal year beginning after September 30, 1987, the Administrator may give priority in making grants under this subsection, and shall give consideration in determining the Federal share of any such grant, to States which have implemented or are proposing to implement management programs which will—

Mines and mining.

"(A) control particularly difficult or serious nonpoint source pollution problems, including, but not limited to, problems resulting from mining activities;

"(B) implement innovative methods or practices for controlling nonpoint sources of pollution, including regulatory programs where the Administrator deems appropriate;

"(C) control interstate nonpoint source pollution problems; or

Research and development. Education.

"(D) carry out ground water quality protection activities which the Administrator determines are part of a comprehensive nonpoint source pollution control program, including research, planning, ground water assessments, demonstration programs, enforcement, technical assistance, education, and training to protect ground water quality from nonpoint sources of pollution.

"(6) AVAILABILITY FOR OBLIGATION.—The funds granted to each State pursuant to this subsection in a fiscal year shall remain available for obligation by such State for the fiscal year for which appropriated. The amount of any such funds not

obligated by the end of such fiscal year shall be available to the Administrator for granting to other States under this subsection in the next fiscal year.

"(7) LIMITATION ON USE OF FUNDS.—States may use funds from grants made pursuant to this section for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

"(8) SATISFACTORY PROGRESS.—No grant may be made under this subsection in any fiscal year to a State which in the preceding fiscal year received a grant under this subsection unless the Administrator determines that such State made satisfactory progress in such preceding fiscal year in meeting the schedule specified by such State under subsection (b)(2). 101 STAT. 58

"(9) MAINTENANCE OF EFFORT.—No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Administrator as the Administrator may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs for controlling pollution added to the navigable waters in such State from nonpoint sources and improving the quality of such waters at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection

"(10) REQUEST FOR INFORMATION.—The Administrator may request such information, data, and reports as he considers necessary to make the determination of continuing eligibility for grants under this section. Reports.

"(11) REPORTING AND OTHER REQUIREMENTS.—Each State shall report to the Administrator on an annual basis concerning (A) its progress in meeting the schedule of milestones submitted pursuant to subsection (b)(2)(C) of this section, and (B) to the extent that appropriate information is available, reductions in nonpoint source pollutant loading and improvements in water quality for those navigable waters or watersheds within the State which were identified pursuant to subsection (a)(1)(A) of this section resulting from implementation of the management program.

"(12) LIMITATION ON ADMINISTRATIVE COSTS.—For purposes of this subsection, administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with a grant under this subsection shall not exceed in any fiscal year 10 percent of the amount of the grant in such year, except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation. Education. Science and technology.

"(i) GRANTS FOR PROTECTING GROUNDWATER QUALITY.—

"(1) ELIGIBLE APPLICANTS AND ACTIVITIES.—Upon application of a State for which a report submitted under subsection (a) and a plan submitted under subsection (b) is approved under this section, the Administrator shall make grants under this subsection to such State for the purpose of assisting such State in carrying out groundwater quality protection activities which the Administrator determines will advance the State toward implementation of a comprehensive nonpoint source pollution control program. Such activities shall include, but not be limited to, research, planning, groundwater assessments, demonstration programs, enforcement, technical assistance, education and training to protect the quality of groundwater and to prevent contamination of groundwater from nonpoint sources of pollution. State and local governments. Research and development. Education.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be in such form and shall contain such information as the Administrator may require.

"(3) FEDERAL SHARE; MAXIMUM AMOUNT.—The Federal share of the cost of assisting a State in carrying out groundwater protection activities in any fiscal year under this subsection shall be 50 percent of the costs incurred by the State in carrying

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out such activities, except that the maximum amount of Federal assistance which any State may receive under this subsection in any fiscal year shall not exceed $150,000.

"(4) REPORT.—The Administrator shall include in each report transmitted under subsection (m) a report on the activities and programs implemented under this subsection during the preceding fiscal year.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (h) and (i) not to exceed $70,000,000 for fiscal year 1988, $100,000,000 per fiscal year for each of fiscal years 1989 and 1990, and $130,000,000 for fiscal year 1991; except that for each of such fiscal years not to exceed $7,500,000 may be made available to carry out subsection (i). Sums appropriated pursuant to this subsection shall remain available until expended.

State and local governments.

"(k) CONSISTENCY OF OTHER PROGRAMS AND PROJECTS WITH MANAGEMENT PROGRAMS.—The Administrator shall transmit to the Office of Management and Budget and the appropriate Federal departments and agencies a list of those assistance programs and development projects identified by each State under subsection (b)(2)(F) for which individual assistance applications and projects will be reviewed pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983. Beginning not later than sixty days after receiving notification by the Administrator, each Federal department and agency shall modify existing regulations to allow States to review individual development projects and assistance applications under the identified Federal assistance programs and shall accommodate, according to the requirements and definitions of Executive Order 12372, as in effect on September 17, 1983, the concerns of the State regarding the consistency of such applications or projects with the State nonpoint source pollution management program.

3 CFR, 1982 Comp., p. 197.
Regulations.

"(l) COLLECTION OF INFORMATION.—The Administrator shall collect and make available, through publications and other appropriate means, information pertaining to management practices and implementation methods, including, but not limited to, (1) information concerning the costs and relative efficiencies of best management practices for reducing nonpoint source pollution; and (2) available data concerning the relationship between water quality and implementation of various management practices to control nonpoint sources of pollution.

"(m) REPORTS OF ADMINISTRATOR.—

"(1) ANNUAL REPORTS.—Not later than January 1, 1988, and each January 1 thereafter, the Administrator shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report for the preceding fiscal year on the activities and programs implemented under this section and the progress made in reducing pollution in the navigable waters resulting from nonpoint sources and improving the quality of such waters.

"(2) FINAL REPORT.—Not later than January 1, 1990, the Administrator shall transmit to Congress a final report on the activities carried out under this section. Such report, at a minimum, shall—

"(A) describe the management programs being implemented by the States by types and amount of affected navigable waters, categories and subcategories of nonpoint sources, and types of best management practices being implemented;

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"(B) describe the experiences of the States in adhering to schedules and implementing best management practices;

"(C) describe the amount and purpose of grants awarded pursuant to subsections (h) and (i) of this section;

"(D) identify, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the navigable waters;

"(E) indicate what further actions need to be taken to attain and maintain in those navigable waters (i) applicable water quality standards, and (ii) the goals and requirements of this Act;

"(F) include recommendations of the Administrator concerning future programs (including enforcement programs) for controlling pollution from nonpoint sources; and

"(G) identify the activities and programs of departments, agencies, and instrumentalities of the United States which are inconsistent with the management programs submitted by the States and recommend modifications so that such activities and programs are consistent with and assist the States in implementation of such management programs.

"(n) SET ASIDE FOR ADMINISTRATIVE PERSONNEL.—Not less than 5 percent of the funds appropriated pursuant to subsection (j) for any fiscal year shall be available to the Administrator to maintain personnel levels at the Environmental Protection Agency at levels which are adequate to carry out this section in such year.".

(b) POLICY FOR CONTROL OF NONPOINT SOURCES OF POLLUTION.—Section 101(a) is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and by adding at the end thereof the following: 33 USC 1251.

"(7) it is the national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this Act to be met through the control of both point and nonpoint sources of pollution.".

(c) ELIGIBILITY OF NONPOINT SOURCES.—The last sentence of section 201(g)(1) is amended by— 33 USC 1281.

(1) striking out "sentence," the first place it appears and inserting in lieu thereof "sentences,";

(2) inserting "(A)" after "October 1, 1984, for"; and

(3) inserting before "except that" the following: "and (B) any purpose for which a grant may be made under sections 319 (h) and (i) of this Act (including any innovative and alternative approaches for the control of nonpoint sources of pollution),". Grants. *Ante*, p. 52.

(d) RESERVATION OF FUNDS.—Section 205(j) is amended by adding at the end the following new paragraph: 33 USC 1285.

"(5) NONPOINT SOURCE RESERVATION.—In addition to the sums reserved under paragraph (1), the Administrator shall reserve each fiscal year for each State 1 percent of the sums allotted and available for obligation to such State under this section for each fiscal year beginning on or after October 1, 1986, or $100,000, whichever is greater, for the purpose of carrying out section 319 of this Act. Sums so reserved in a State in any fiscal year for which such State does not request the use of such sums, to the extent such sums exceed $100,000, may be used by such State for other purposes under this title.". State and local governments. *Ante*, p. 52.

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(e) CONFORMING AMENDMENT.—Section 304(k)(1) is amended by inserting "and nonpoint source pollution management programs approved under section 319 of this Act" after "208 of this Act". 33 USC 1314. *Ante*, p. 52; 33 USC 1288.

SEC. 317. NATIONAL ESTUARY PROGRAM. 33 USC 1330 note.

(a) PURPOSES AND POLICIES.—

(1) FINDINGS.—Congress finds and declares that—

(A) the Nation's estuaries are of great importance for fish and wildlife resources and recreation and economic opportunity;

(B) maintaining the health and ecological integrity of these estuaries is in the national interest;

(C) increasing coastal population, development, and other direct and indirect uses of these estuaries threaten their health and ecological integrity;

(D) long-term planning and management will contribute to the continued productivity of these areas, and will maximize their utility to the Nation; and

(E) better coordination among Federal and State programs affecting estuaries will increase the effectiveness and efficiency of the national effort to protect, preserve, and restore these areas.

(2) PURPOSES.—The purposes of this section are to—

(A) identify nationally significant estuaries that are threatened by pollution, development, or overuse;

(B) promote comprehensive planning for, and conservation and management of, nationally significant estuaries;

(C) encourage the preparation of management plans for estuaries of national significance; and

(D) enhance the coordination of estuarine research.

(b) MANAGEMENT PROGRAM.—Title III is amended by adding at the end thereof the following new section:

33 USC 1330.

"SEC. 320. NATIONAL ESTUARY PROGRAM.

State and local governments.

"(a) MANAGEMENT CONFERENCE.—

"(1) NOMINATION OF ESTUARIES.—The Governor of any State may nominate to the Administrator an estuary lying in whole or in part within the State as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary. The nomination shall document the need for the conference, the likelihood of success, and information relating to the factors in paragraph (2).

"(2) CONVENING OF CONFERENCE.—

Fish and fishing.
Wildlife.

"(A) IN GENERAL.—In any case where the Administrator determines, on his own initiative or upon nomination of a State under paragraph (1), that the attainment or maintenance of that water quality in an estuary which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water, requires the control of point and nonpoint sources of pollution to supplement existing controls of pollution in more than one State, the Administrator shall select such estuary and convene a management conference.

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New York.
Connecticut.
Rhode Island.
Massachusetts.
Washington.
New Jersey.
Delaware.
North Carolina.
Florida.
California.
Texas.

"(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; and Galveston Bay, Texas.

"(3) BOUNDARY DISPUTE EXCEPTION.—In any case in which a boundary between two States passes through an estuary and such boundary is disputed and is the subject of an action in any court, the Administrator shall not convene a management conference with respect to such estuary before a final adjudication has been made of such dispute.

"(b) PURPOSES OF CONFERENCE.—The purposes of any management conference convened with respect to an estuary under this subsection shall be to—

"(1) assess trends in water quality, natural resources, and uses of the estuary;

"(2) collect, characterize, and assess data on toxics, nutrients, and natural resources within the estuarine zone to identify the causes of environmental problems;

"(3) develop the relationship between the inplace loads and point and nonpoint loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;

"(4) develop a comprehensive conservation and management plan that recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

"(5) develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the conference;

"(6) monitor the effectiveness of actions taken pursuant to the plan; and

"(7) review all Federal financial assistance programs and Federal development projects in accordance with the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan prepared under this section.

3 CFR, 1982 Comp., p. 197.

For purposes of paragraph (7), such programs and projects shall not be limited to the assistance programs and development projects subject to Executive Order 12372, but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the plan developed under this section.

"(c) MEMBERS OF CONFERENCE.—The members of a management conference convened under this section shall include, at a minimum, the Administrator and representatives of—

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"(1) each State and foreign nation located in whole or in part in the estuarine zone of the estuary for which the conference is convened;

"(2) international, interstate, or regional agencies or entities having jurisdiction over all or a significant part of the estuary;

"(3) each interested Federal agency, as determined appropriate by the Administrator;

"(4) local governments having jurisdiction over any land or water within the estuarine zone, as determined appropriate by the Administrator; and

"(5) affected industries, public and private educational institutions, and the general public, as determined appropriate by the Administrator.

"(d) UTILIZATION OF EXISTING DATA.—In developing a conservation and management plan under this section, the management conference shall survey and utilize existing reports, data, and studies relating to the estuary that have been developed by or made available to Federal, interstate, State, and local agencies.

Conservation. State and local governments.

"(e) PERIOD OF CONFERENCE.—A management conference convened under this section shall be convened for a period not to exceed 5 years. Such conference may be extended by the Administrator, and if terminated after the initial period, may be reconvened by the Administrator at any time thereafter, as may be necessary to meet the requirements of this section.

"(f) APPROVAL AND IMPLEMENTATION OF PLANS.—

"(1) APPROVAL.—Not later than 120 days after the completion of a conservation and management plan and after providing for public review and comment, the Administrator shall approve such plan if the plan meets the requirements of this section and the affected Governor or Governors concur.

"(2) IMPLEMENTATION.—Upon approval of a conservation and management plan under this section, such plan shall be implemented. Funds authorized to be appropriated under titles II and VI and section 319 of this Act may be used in accordance with the applicable requirements of this Act to assist States with the implementation of such plan.

33 USC 1281; *ante*, p. 52.

State and local governments.

"(g) GRANTS.—

"(1) RECIPIENTS.—The Administrator is authorized to make grants to State, interstate, and regional water pollution control agencies and entities, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals.

"(2) PURPOSES.—Grants under this subsection shall be made to pay for assisting research, surveys, studies, and modeling and other technical work necessary for the development of a conservation and management plan under this section.

"(3) FEDERAL SHARE.—The amount of grants to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year shall not exceed 75 percent of the costs of such research, survey, studies, and work and shall be made on condition that the non-Federal share of such costs are provided from non-Federal sources.

"(h) GRANT REPORTING.—Any person (including a State, interstate, or regional agency or entity) that receives a grant under subsection (g) shall report to the Administrator not later than 18 months after receipt of such grant and biennially thereafter on the progress being made under this section.

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"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator not to exceed $12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 for—

"(1) expenses related to the administration of management conferences under this section, not to exceed 10 percent of the amount appropriated under this subsection;

"(2) making grants under subsection (g); and

"(3) monitoring the implementation of a conservation and management plan by the management conference or by the Administrator, in any case in which the conference has been terminated.

The Administrator shall provide up to $5,000,000 per fiscal year of the sums authorized to be appropriated under this subsection to the Administrator of the National Oceanic and Atmospheric Administration to carry out subsection (j).

"(j) RESEARCH.—

"(1) PROGRAMS.—In order to determine the need to convene a management conference under this section or at the request of such a management conference, the Administrator shall coordinate and implement, through the National Marine Pollution Program Office and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, as appropriate, for one or more estuarine zones—

"(A) a long-term program of trend assessment monitoring measuring variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters which may affect estuarine zones, to provide the Administrator the capacity to determine the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of estuarine zones and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific discharges or general pollutant loadings within estuarine zones into a set of probable effects on such zones;

"(C) a comprehensive water quality sampling program for the continuous monitoring of nutrients, chlorine, acid precipitation dissolved oxygen, and potentially toxic pollutants (including organic chemicals and metals) in estuarine zones, after consultation with interested State, local, interstate, or international agencies and review and analysis of all environmental sampling data presently collected from estuarine zones; and

"(D) a program of research to identify the movements of nutrients, sediments and pollutants through estuarine zones and the impact of nutrients, sediments, and pollutants on water quality, the ecosystem, and designated or potential uses of the estuarine zones.

"(2) REPORTS.—The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this subsection including—

"(A) a listing of priority monitoring and research needs; 101 STAT. 65

"(B) an assessment of the state and health of the Nation's estuarine zones, to the extent evaluated under this subsection;

"(C) a discussion of pollution problems and trends in pollutant concentrations with a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone, to the extent evaluated under this subsection; and

"(D) an evaluation of pollution abatement activities and management measures so far implemented to determine the degree of improvement toward the objectives expressed in subsection (b)(4) of this section.

"(k) DEFINITIONS.—For purposes of this section, the terms 'estuary' and 'estuarine zone' have the meanings such terms have in section 104(n)(4) of this Act, except that the term 'estuarine zone' shall also include associated aquatic ecosystems and those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher.". 33 USC 1254.

SEC. 318. UNCONSOLIDATED QUATERNARY AQUIFER.

Notwithstanding any other provision of law, no person may— New Jersey.

(1) locate or authorize the location of a landfill, surface impoundment, waste pile, injection well, or land treatment facility over the Unconsolidated Quaternary Aquifer, or the recharge zone or streamflow source zone of such aquifer, in the Rockaway River Basin, New Jersey (as such aquifer and zones are described in the Federal Register, January 24, 1984, pages 2946-2948); or 49 FR 2946-2948.

(2) place or authorize the placement of solid waste in a landfill, surface impoundment, waste pile, injection well, or land treatment facility over such aquifer or zone.

This section may be enforced under sections 309 (a) and (b) of the Federal Water Pollution Control Act. For purposes of section 309(c) of such Act, a violation of this section shall be considered a violation of section 301 of the Federal Water Pollution Control Act. 33 USC 1319. 33 USC 1311.

TITLE IV—PERMITS AND LICENSES

SEC. 401. STORMWATER RUNOFF FROM OIL, GAS, AND MINING OPERATIONS.

(a) LIMITATION ON PERMIT REQUIREMENT.—Section 402(l) is amended by inserting "(1) AGRICULTURAL RETURN FLOWS.—" before "The Administrator" and by adding at the end thereof the following: 33 USC 1342.

"(2) STORMWATER RUNOFF FROM OIL, GAS, AND MINING OPERATIONS.—The Administrator shall not require a permit under this section, nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from mining operations or oil and gas exploration, production, processing, or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with, or do not come into contact with, any overburden, raw material, intermediate products, finished prod- State and local governments.

101 STAT. 66

uct, byproduct, or waste products located on the site of such operations.".

(b) CONFORMING AMENDMENTS.—Section 402(l) is further amended—

Ante, p. 65.

(1) by inserting "LIMITATION ON PERMIT REQUIREMENT.—" after "(l)"; and

(2) by indenting paragraph (1) of such section, as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2) of such section, as added by such subsection (a).

SEC. 402. ADDITIONAL PRETREATMENT OF CONVENTIONAL POLLUTANTS NOT REQUIRED.

Section 402 is amended by adding at the end thereof the following new subsection:

"(m) ADDITIONAL PRETREATMENT OF CONVENTIONAL POLLUTANTS NOT REQUIRED.—To the extent a treatment works (as defined in section 212 of this Act) which is publicly owned is not meeting the requirements of a permit issued under this section for such treatment works as a result of inadequate design or operation of such treatment works, the Administrator, in issuing a permit under this section, shall not require pretreatment by a person introducing conventional pollutants identified pursuant to section 304(a)(4) of this Act into such treatment works other than pretreatment required to assure compliance with pretreatment standards under subsection (b)(8) of this section and section 307(b)(1) of this Act. Nothing in this subsection shall affect the Administrator's authority under sections 307 and 309 of this Act, affect State and local authority under sections 307(b)(4) and 510 of this Act, relieve such treatment works of its obligations to meet requirements established under this Act, or otherwise preclude such works from pursuing whatever feasible options are available to meet its responsibility to comply with its permit under this section.".

33 USC 1292.
33 USC 1314.
33 USC 1317.
33 USC 1319.
33 USC 1370.

SEC. 403. PARTIAL NPDES PROGRAM.

Supra.

(a) PARTIAL PERMIT PROGRAM.—Section 402 is amended by adding at the end the following:

"(n) PARTIAL PERMIT PROGRAM.—

"(1) STATE SUBMISSION.—The Governor of a State may submit under subsection (b) of this section a permit program for a portion of the discharges into the navigable waters in such State.

"(2) MINIMUM COVERAGE.—A partial permit program under this subsection shall cover, at a minimum, administration of a major category of the discharges into the navigable waters of the State or a major component of the permit program required by subsection (b).

"(3) APPROVAL OF MAJOR CATEGORY PARTIAL PERMIT PROGRAMS.—The Administrator may approve a partial permit program covering administration of a major category of discharges under this subsection if—

"(A) such program represents a complete permit program and covers all of the discharges under the jurisdiction of a department or agency of the State; and

"(B) the Administrator determines that the partial program represents a significant and identifiable part of the State program required by subsection (b).

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"(4) APPROVAL OF MAJOR COMPONENT PARTIAL PERMIT PROGRAMS.—The Administrator may approve under this subsection a partial and phased permit program covering administration of a major component (including discharge categories) of a State permit program required by subsection (b) if—

"(A) the Administrator determines that the partial program represents a significant and identifiable part of the State program required by subsection (b); and

"(B) the State submits, and the Administrator approves, a plan for the State to assume administration by phases of

the remainder of the State program required by subsection (b) by a specified date not more than 5 years after submission of the partial program under this subsection and agrees to make all reasonable efforts to assume such administration by such date.".

(b) RETURN OF STATE PERMIT PROGRAM TO ADMINISTRATOR.—

(1) IN GENERAL.—Section 402(c) is amended by adding at the end thereof the following new paragraph: 33 USC 1342.

"(4) LIMITATIONS ON PARTIAL PERMIT PROGRAM RETURNS AND WITHDRAWALS.—A State may return to the Administrator administration, and the Administrator may withdraw under paragraph (3) of this subsection approval, of—

"(A) a State partial permit program approved under subsection (n)(3) only if the entire permit program being administered by the State department or agency at the time is returned or withdrawn; and *Ante*, p. 66.

"(B) a State partial permit program approved under subsection (n)(4) only if an entire phased component of the permit program being administered by the State at the time is returned or withdrawn.".

(2) CONFORMING AMENDMENT.—Section 402(c)(1) is amended by striking out "as to those navigable waters" and inserting in lieu thereof "as to those discharges".

SEC. 404. ANTI-BACKSLIDING.

(a) GENERAL RULE.—Section 402 is amended by adding at the end thereof the following new subsection: *Ante*, p. 66.

"(o) ANTI-BACKSLIDING.—

"(1) GENERAL PROHIBITION.—In the case of effluent limitations established on the basis of subsection (a)(1)(B) of this section, a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under section 304(b) subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit. In the case of effluent limitations established on the basis of section 301(b)(1)(C) or section 303 (d) or (e), a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except in compliance with section 303(d)(4). 33 USC 1314. 33 USC 1311. 33 USC 1313.

"(2) EXCEPTIONS.—A permit with respect to which paragraph (1) applies may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant if— Pollution.

"(A) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation; 101 STAT. 68

"(B)(i) information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance; or

"(ii) the Administrator determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under subsection (a)(1)(B);

"(C) a less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy;

"(D) the permittee has received a permit modification under section 301(c), 301(g), 301(h), 301(i), 301(k), 301(n), or 316(a); or *Ante*, pp. 30, 35; 33 USC 1326.

"(E) the permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case the limitations in the reviewed, reissued, or modified permit may reflect

the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

Subparagraph (B) shall not apply to any revised waste load allocations or any alternative grounds for translating water quality standards into effluent limitations, except where the cumulative effect of such revised allocations results in a decrease in the amount of pollutants discharged into the concerned waters, and such revised allocations are not the result of a discharger eliminating or substantially reducing its discharge of pollutants due to complying with the requirements of this Act or for reasons otherwise unrelated to water quality.

"(3) LIMITATIONS.—In no event may a permit with respect to which paragraph (1) applies be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into waters be renewed, reissued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard under section 303 applicable to such waters.".

33 USC 1313.

(b) LIMITATIONS ON REVISION OF CERTAIN EFFLUENT LIMITATIONS.—Section 303(d) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) LIMITATIONS ON REVISION OF CERTAIN EFFLUENT LIMITATIONS.—

"(A) STANDARD NOT ATTAINED.—For waters identified under paragraph (1)(A) where the applicable water quality standard has not yet been attained, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section may be revised only if (i) the cumulative effect of all such revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of such water quality standard, or (ii) the designated use which is not being attained is removed in accordance with regulations established under this section.

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"(B) STANDARD ATTAINED.—For waters identified under paragraph (1)(A) where the quality of such waters equals or exceeds levels necessary to protect the designated use for such waters or otherwise required by applicable water quality standards, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section, or any water quality standard established under this section, or any other permitting standard may be revised only if such revision is subject to and consistent with the antidegradation policy established under this section.".

33 USC 1375 note. State and local governments.

(c) STUDY.—The Administrator shall study—

(1) the extent to which States have reviewed, revised, and adopted water quality standards in accordance with section 24 of the Municipal Wastewater Treatment Construction Grant Amendments of 1981; and

33 USC 1313a.

(2) the extent to which modifications of permits issued under section 402(a)(1)(B) of the Federal Water Pollution Control Act for the purpose of reflecting any revisions to water quality standards should be encouraged or discouraged.

33 USC 1342.

Reports.

The Administrator shall submit a report on such study, together with recommendations, to Congress not later than 2 years after the date of the enactment of this Act.

(d) CONFORMING AMENDMENT.—Section 402(a)(1) is amended by inserting "(A)" after "either" and by inserting "(B)" after "this Act, or".

SEC. 405. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

Section 402 is amended by adding at the end thereof the following new subsection:

"(p) MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.— State and local governments.

"(1) GENERAL RULE.—Prior to October 1, 1992, the Administrator or the State (in the case of a permit program approved under section 402 of this Act) shall not require a permit under this section for discharges composed entirely of stormwater.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to the following stormwater discharges:

"(A) A discharge with respect to which a permit has been issued under this section before the date of the enactment of this subsection.

"(B) A discharge associated with industrial activity.

"(C) A discharge from a municipal separate storm sewer system serving a population of 250,000 or more.

"(D) A discharge from a municipal separate storm sewer system serving a population of 100,000 or more but less than 250,000.

"(E) A discharge for which the Administrator or the State, as the case may be, determines that the stormwater discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

"(3) PERMIT REQUIREMENTS.—

"(A) INDUSTRIAL DISCHARGES.—Permits for discharges associated with industrial activity shall meet all applicable provisions of this section and section 301. 33 USC 1311.

"(B) MUNICIPAL DISCHARGE.—Permits for discharges from municipal storm sewers— 101 STAT. 70

"(i) may be issued on a system- or jurisdiction-wide basis;

"(ii) shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers; and

"(iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

"(4) PERMIT APPLICATION REQUIREMENTS.—

"(A) INDUSTRIAL AND LARGE MUNICIPAL DISCHARGES.—Not later than 2 years after the date of the enactment of this subsection, the Administrator shall establish regulations setting forth the permit application requirements for stormwater discharges described in paragraphs (2)(B) and (2)(C). Applications for permits for such discharges shall be filed no later than 3 years after such date of enactment. Not later than 4 years after such date of enactment, the Administrator or the State, as the case may be, shall issue or deny each such permit. Any such permit shall provide for compliance as expeditiously as practicable, but in no event later than 3 years after the date of issuance of such permit. Regulations.

"(B) OTHER MUNICIPAL DISCHARGES.—Not later than 4 years after the date of the enactment of this subsection, the Administrator shall establish regulations setting forth the permit application requirements for stormwater discharges described in paragraph (2)(D). Applications for permits for such discharges shall be filed no later than 5 years after such date of enactment. Not later than 6 years after such date of enactment, the Administrator or the State, as the case may be, shall issue or deny each such permit. Any such Regulations.

permit shall provide for compliance as expeditiously as practicable, but in no event later than 3 years after the date of issuance of such permit.

"(5) STUDIES.—The Administrator, in consultation with the States, shall conduct a study for the purposes of—

"(A) identifying those stormwater discharges or classes of stormwater discharges for which permits are not required pursuant to paragraphs (1) and (2) of this subsection;

"(B) determining, to the maximum extent practicable, the nature and extent of pollutants in such discharges; and

"(C) establishing procedures and methods to control stormwater discharges to the extent necessary to mitigate impacts on water quality.

Reports. Not later than October 1, 1988, the Administrator shall submit to Congress a report on the results of the study described in

Reports. subparagraphs (A) and (B). Not later than October 1, 1989, the Administrator shall submit to Congress a report on the results of the study described in subparagraph (C).

State and local governments. "(6) REGULATIONS.—Not later than October 1, 1992, the Administrator, in consultation with State and local officials,

101 STAT. 71 shall issue regulations (based on the results of the studies conducted under paragraph (5)) which designate stormwater discharges, other than those discharges described in paragraph (2), to be regulated to protect water quality and shall establish a comprehensive program to regulate such designated sources. The program shall, at a minimum, (A) establish priorities, (B) establish requirements for State stormwater management programs, and (C) establish expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate.".

SEC. 406. SEWAGE SLUDGE.

(a) IDENTIFICATION AND REGULATION OF TOXIC POLLUTANTS.—Section 405(d) is amended— 33 USC 1345.

(1) by inserting "(1) REGULATIONS.—" before "The Administrator, after";

(2) by striking "(1)", "(2)", and "(3)" and inserting in lieu thereof "(A)", "(B)", and "(C)", respectively; and

(3) by adding at the end the following new paragraphs:

"(2) IDENTIFICATION AND REGULATION OF TOXIC POLLUTANTS.—

"(A) ON BASIS OF AVAILABLE INFORMATION.—

"(i) PROPOSED REGULATIONS.—Not later than November 30, 1986, the Administrator shall identify those toxic pollutants which, on the basis of available information on their toxicity, persistence, concentration, mobility, or potential for exposure, may be present in sewage sludge in concentrations which may adversely affect public health or the environment, and propose regulations specifying acceptable management practices for sewage sludge containing each such toxic pollutant and establishing numerical limitations for each such pollutant for each use identified under paragraph (1)(A).

"(ii) FINAL REGULATIONS.—Not later than August 31, 1987, and after opportunity for public hearing, the Administrator shall promulgate the regulations required by subparagraph (A)(i).

"(B) OTHERS.—

"(i) PROPOSED REGULATIONS.—Not later than July 31, 1987, the Administrator shall identify those toxic pollutants not identified under subparagraph (A)(i) which may be present in sewage sludge in concentrations which may adversely affect public health or the environment, and propose regulations specifying

acceptable management practices for sewage sludge containing each such toxic pollutant and establishing numerical limitations for each pollutant for each such use identified under paragraph (1)(A).

"(ii) FINAL REGULATIONS.—Not later than June 15, 1988, the Administrator shall promulgate the regulations required by subparagraph (B)(i).

"(C) REVIEW.—From time to time, but not less often than every 2 years, the Administrator shall review the regulations promulgated under this paragraph for the purpose of identifying additional toxic pollutants and promulgating regulations for such pollutants consistent with the requirements of this paragraph. 101 STAT. 72

"(D) MINIMUM STANDARDS; COMPLIANCE DATE.—The management practices and numerical criteria established under subparagraphs (A), (B), and (C) shall be adequate to protect public health and the environment from any reasonably anticipated adverse effects of each pollutant. Such regulations shall require compliance as expeditiously as practicable but in no case later than 12 months after their publication, unless such regulations require the construction of new pollution control facilities, in which case the regulations shall require compliance as expeditiously as practicable but in no case later than two years from the date of their publication.

"(3) ALTERNATIVE STANDARDS.—For purposes of this subsection, if, in the judgment of the Administrator, it is not feasible to prescribe or enforce a numerical limitation for a pollutant identified under paragraph (2), the Administrator may instead promulgate a design, equipment, management practice, or operational standard, or combination thereof, which in the Administrator's judgment is adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutant. In the event the Administrator promulgates a design or equipment standard under this subsection, the Administrator shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

"(4) CONDITIONS ON PERMITS.—Prior to the promulgation of the regulations required by paragraph (2), the Administrator shall impose conditions in permits issued to publicly owned treatment works under section 402 of this Act or take such other measures as the Administrator deems appropriate to protect public health and the environment from any adverse effects which may occur from toxic pollutants in sewage sludge. 33 USC 1342.

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section is intended to waive more stringent requirements established by this Act or any other law.".

(b) MANNER OF SLUDGE DISPOSAL.—Section 405(e) is amended to read as follows: 33 USC 1345.

"(e) MANNER OF SLUDGE DISPOSAL.—The determination of the manner of disposal or use of sludge is a local determination, except that it shall be unlawful for any person to dispose of sludge from a publicly owned treatment works or any other treatment works treating domestic sewage for any use for which regulations have been established pursuant to subsection (d) of this section, except in accordance with such regulations.".

(c) IMPLEMENTATION THROUGH PERMITS.—Section 405 is further amended by adding at the end thereof the following:

"(f) IMPLEMENTATION OF REGULATIONS.—

"(1) THROUGH SECTION 402 PERMITS.—Any permit issued under section 402 of this Act to a publicly owned treatment works or any other treatment works treating domestic sewage shall include requirements for the use and disposal of sludge that State and local governments.

implement the regulations established pursuant to subsection (d) of this section, unless such requirements have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, part C of the Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under State permit programs approved by the Administrator, where the Administrator determines that such programs assure compliance with any applicable requirements of this section. Not later than December 15, 1986, the Administrator shall promulgate procedures for approval of State programs pursuant to this paragraph.

42 USC 6921
42 USC 300h.
33 USC 1401 note; 42 USC 7401 note.

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"(2) THROUGH OTHER PERMITS.—In the case of a treatment works described in paragraph (1) that is not subject to section 402 of this Act and to which none of the other above listed permit programs nor approved State permit authority apply, the Administrator may issue a permit to such treatment works solely to impose requirements for the use and disposal of sludge that implement the regulations established pursuant to subsection (d) of this section. The Administrator shall include in the permit appropriate requirements to assure compliance with the regulations established pursuant to subsection (d) of this section. The Administrator shall establish procedures for issuing permits pursuant to this paragraph.

State and local governments.
33 USC 1342.

"(g) STUDIES AND PROJECTS.—

"(1) GRANT PROGRAM; INFORMATION GATHERING.—The Administrator is authorized to conduct or initiate scientific studies, demonstration projects, and public information and education projects which are designed to promote the safe and beneficial management or use of sewage sludge for such purposes as aiding the restoration of abandoned mine sites, conditioning soil for parks and recreation areas, agricultural and horticultural uses, and other beneficial purposes. For the purposes of carrying out this subsection, the Administrator may make grants to State water pollution control agencies, other public or nonprofit agencies, institutions, organizations, and individuals. In cooperation with other Federal departments and agencies, other public and private agencies, institutions, and organizations, the Administrator is authorized to collect and disseminate information pertaining to the safe and beneficial use of sewage sludge.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the scientific studies, demonstration projects, and public information and education projects authorized in this section, there is authorized to be appropriated for fiscal years beginning after September 30, 1986, not to exceed $5,000,000."

33 USC 1318.

(d) ENFORCEMENT.—(1) Section 308(a)(4) is amended by inserting "405," before "and 504".

33 USC 1365.

(2) Section 505(f) is amended by striking out "or" before "(6)" and by inserting before the period "; or (7) a regulation under section 405(d) of this Act,".

Ante, p. 71.

33 USC 1369.

(3) Section 509(b)(1)(E) is amended by striking out "or 306" and inserting in lieu thereof "306, or 405".

33 USC 1345 note.

(e) REMOVAL CREDITS.—The part of the decision of Natural Resources Defense Council, Inc. v. U.S. Environmental Protection Agency, No. 84-3530 (3d. Cir. 1986), which addresses section 405(d) of the Federal Water Pollution Control Act is stayed until August 31, 1987, with respect to—

(1) those publicly owned treatment works the owner or operator of which received authority to revise pretreatment requirements under section 307(b)(1) of such Act before the date of the enactment of this section, and

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33 USC 1317.

(2) those publicly owned treatment works the owner or operator of which has submitted an application for authority to revise pretreatment requirements under such section 307(b)(1) which

application is pending on such date of enactment and is approved before August 31, 1987.

The Administrator shall not authorize any other removal credits under such Act until the Administrator issues the regulations required by paragraph (2)(A)(ii) of section 405(d) of such Act, as amended by subsection (a) of this section.

Ante, p. 71.

(f) CONFORMING AMENDMENTS.—Section 405(d) is further amended—

(1) by inserting "REGULATIONS —" after "(d)";

(2) by indenting paragraph (1) (as designated by subsection (a)(1) of this section) and aligning such paragraph with paragraph (3), as added by subsection (a)(3); and

(3) in such paragraph (1) by aligning subparagraphs (A), (B), and (C) (as designated by subsection (a)(2) of this section) with subparagraph (C) of paragraph (2), as added by subsection (a)(3) of this section.

SEC. 407. LOG TRANSFER FACILITIES.

33 USC 1342 note.
State and local governments.

(a) AGREEMENT.—The Administrator and Secretary of the Army shall enter into an agreement regarding coordination of permitting for log transfer facilities to designate a lead agency and to process permits required under sections 402 and 404 of the Federal Water Pollution Control Act, where both such sections apply, for discharges associated with the construction and operation of log transfer facilities. The Administrator and Secretary are authorized to act in accordance with the terms of such agreement to assure that, to the maximum extent practicable, duplication, needless paperwork and delay in the issuance of permits, and inequitable enforcement between and among facilities in different States, shall be eliminated.

33 USC 1342, 1344.

(b) APPLICATIONS AND PERMITS BEFORE OCTOBER 22, 1985.—Where both of sections 402 and 404 of the Federal Water Pollution Control Act apply, log transfer facilities which have received a permit under section 404 of such Act before October 22, 1985, shall not be required to submit a new application for a permit under section 402 of such Act. If the Administrator determines that the terms of a permit issued on or before October 22, 1985, under section 404 of such Act satisfies the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of such Act, a separate application for a permit under section 402 of such Act shall not thereafter be required. In any case where the Administrator demonstrates, after an opportunity for a hearing, that the terms of a permit issued on or before October 22, 1985, under section 404 of such Act do not satisfy the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of such Act, modifications to the existing permit under section 404 of such Act to incorporate such applicable requirements shall be issued by the Administrator as an alternative to issuance of a separate new permit under section 402 of such Act.

33 USC 1311, 1312, 1316, 1317, 1318, 1343.

(c) LOG TRANSFER FACILITY DEFINED.—For the purposes of this section, the term "log transfer facility" means a facility which is constructed in whole or in part in waters of the United States and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft, including the formation of a log raft.

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TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AUDITS.

Contracts.
State and local governments.
33 USC 1361.

Section 501(d) is amended by inserting at the end the following new sentences: "For the purpose of carrying out audits and examinations with respect to recipients of Federal assistance under this Act, the Administrator is authorized to enter into noncompetitive procurement contracts with independent State audit organizations, consistent with chapter 75 of title 31, United States Code. Such contracts may only be entered into to the extent and in such amounts as may be provided in advance in appropriation Acts.".

31 USC 7501 *et seq.*

SEC. 502. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

33 USC 1362. (a) DEFINED AS A STATE.—Section 502(3) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Samoa,".

33 USC 1321. (b) DEFINED AS PART OF UNITED STATES.—Section 311(a)(5) is amended by striking out "the Canal Zone," and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands,".

SEC. 503. AGRICULTURAL STORMWATER DISCHARGES.

Section 502(14) (relating to the definition of point source) is amended by inserting after "does not include" the following: "agricultural stormwater discharges and".

SEC. 504. PROTECTION OF INTERESTS OF UNITED STATES IN CITIZEN SUITS.

33 USC 1365. Section 505(c) is amended by adding at the end thereof the following new paragraph:

"(3) PROTECTION OF INTERESTS OF UNITED STATES.—Whenever any action is brought under this section in a court of the United States, the plaintiff shall serve a copy of the complaint on the Attorney General and the Administrator. No consent judgment shall be entered in an action in which the United States is not a party prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator.".

SEC. 505. JUDICIAL REVIEW AND AWARD OF FEES.

33 USC 1369. (a) LOCATION; DEADLINE FOR APPEAL.—Section 509(b)(1) is amended—

(1) by striking out "transacts such business" and inserting in lieu thereof, "transacts business which is directly affected by such action"; and

(2) by striking out "ninety" and "ninetieth" and inserting in lieu thereof "120" and "120th", respectively.

(b) VENUE; AWARD OF FEES.—Section 509(b) is amended by adding at the end thereof the following new paragraphs:

"(3) VENUE.—

"(A) SELECTION PROCEDURE.—If applications for review of the same agency action have been filed under paragraph (1) of this subsection in 2 or more Circuit Courts of Appeals of the United States and the Administrator has received written notice of the filing of one or more applications within 30 days or less after receiving written notice of the filing of the first application, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that applications have been filed in 2 or more Circuit Courts of Appeals of the United States, and shall identify each court for which he has written notice that such applications have been filed within 30 days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall, within 3 business days of receiving such written notice from the Administrator, select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the Circuit Court of Appeals of the United States which remanded such action.

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Records.

Records. "(B) ADMINISTRATIVE PROVISIONS.—Where applications have been filed under paragraph (1) of this subsection in two or more Circuit Courts of Appeals of the United States with respect to the same agency action and the record has been filed in one of such courts pursuant to subparagraph

(A), the other courts in which such applications have been filed shall promptly transfer such applications to the Circuit Court of Appeals of the United States in which the record has been filed. Pending selection of a court pursuant to subparagraph (A), any court in which an application has been filed under paragraph (1) of this subsection may postpone the effective date of the agency action until 15 days after the Administrative Office has selected the court in which the record shall be filed.

"(C) TRANSFERS.—Any court in which an application with respect to any agency action has been filed under paragraph (1) of this subsection, including any court selected pursuant to subparagraph (A), may transfer such application to any other Circuit Court of Appeals of the United States for the convenience of the parties or otherwise in the interest of justice.

"(4) AWARD OF FEES.—In any judicial proceeding under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party whenever it determines that such award is appropriate.".

(c) CONFORMING AMENDMENT FOR CITIZEN SUIT ACTIONS.—The first sentence of section 505(d) is amended by inserting "prevailing or substantially prevailing" before "party". 33 USC 1365.

SEC. 506. INDIAN TRIBES.

Title V is amended by redesignating section 518, and any references thereto, as section 519 and by inserting after section 517 the following new section: 33 USC 1251 note.

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"SEC. 518. INDIAN TRIBES. 33 USC 1377.

"(a) POLICY.—Nothing in this section shall be construed to affect the application of section 101(g) of this Act, and all of the provisions of this section shall be carried out in accordance with the provisions of such section 101(g). Indian tribes shall be treated as States for purposes of such section 101(g). 33 USC 1251.

"(b) ASSESSMENT OF SEWAGE TREATMENT NEEDS; REPORT.—The Administrator, in cooperation with the Director of the Indian Health Service, shall assess the need for sewage treatment works to serve Indian tribes, the degree to which such needs will be met through funds allotted to States under section 205 of this Act and priority lists under section 216 of this Act, and any obstacles which prevent such needs from being met. Not later than one year after the date of the enactment of this section, the Administrator shall submit a report to Congress on the assessment under this subsection, along with recommendations specifying (1) how the Administrator intends to provide assistance to Indian tribes to develop waste treatment management plans and to construct treatment works under this Act, and (2) methods by which the participation in and administration of programs under this Act by Indian tribes can be maximized. State and local governments. Waste disposal. 33 USC 1285. 33 USC 1296.

"(c) RESERVATION OF FUNDS.—The Administrator shall reserve each fiscal year beginning after September 30, 1986, before allotments to the States under section 205(e), one-half of one percent of the sums appropriated under section 207. Sums reserved under this subsection shall be available only for grants for the development of waste treatment management plans and for the construction of sewage treatment works to serve Indian tribes. State and local governments. Waste disposal. 33 USC 1287.

"(d) COOPERATIVE AGREEMENTS.—In order to ensure the consistent implementation of the requirements of this Act, an Indian tribe and the State or States in which the lands of such tribe are located may enter into a cooperative agreement, subject to the review and approval of the Administrator, to jointly plan and administer the requirements of this Act. State and local governments.

Grants.
33 USC 1281.
33 USC 1254, 1256, 1313, 1315, 1318, 1319, 1324; *ante*, p. 52; 33 USC 1341, 1342, 1344.

"(e) TREATMENT AS STATES.—The Administrator is authorized to treat an Indian tribe as a State for purposes of title II and sections 104, 106, 303, 305, 308, 309, 314, 319, 401, 402, and 404 of this Act to the degree necessary to carry out the objectives of this section, but only if—

"(1) the Indian tribe has a governing body carrying out substantial governmental duties and powers;

"(2) the functions to be exercised by the Indian tribe pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation; and

"(3) the Indian tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this Act and of all applicable regulations.

Such treatment as a State may include the direct provision of funds reserved under subsection (c) to the governing bodies of Indian tribes, and the determination of priorities by Indian tribes, where not determined by the Administrator in cooperation with the Director of the Indian Health Service. The Administrator, in cooperation

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with the Director of the Indian Health Service, is authorized to

33 USC 1281.
Regulations.

make grants under title II of this Act in an amount not to exceed 100 percent of the cost of a project. Not later than 18 months after the date of the enactment of this section, the Administrator shall, in consultation with Indian tribes, promulgate final regulations which specify how Indian tribes shall be treated as States for purposes of this Act. The Administrator shall, in promulgating such regulations, consult affected States sharing common water bodies and provide a mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and Indian tribes located on common bodies of water. Such mechanism shall provide for explicit consideration of relevant factors including, but not limited to, the effects of differing water quality permit requirements on upstream and downstream dischargers, economic impacts, and present and historical uses and quality of the waters subject to such standards. Such mechanism should provide for the avoidance of such unreasonable consequences in a manner consistent with the objective of this Act.

"(f) GRANTS FOR NONPOINT SOURCE PROGRAMS.—The Administrator shall make grants to an Indian tribe under section 319 of this

Ante, p. 52.

Act as though such tribe was a State. Not more than one-third of one percent of the amount appropriated for any fiscal year under section 319 may be used to make grants under this subsection. In addition to the requirements of section 319, an Indian tribe shall be required to meet the requirements of paragraphs (1), (2), and (3) of subsection (d) of this section in order to receive such a grant.

"(g) ALASKA NATIVE ORGANIZATIONS.—No provision of this Act shall be construed to—

"(1) grant, enlarge, or diminish, or in any way affect the scope of the governmental authority, if any, of any Alaska Native organization, including any federally-recognized tribe, traditional Alaska Native council, or Native council organized pursu-

25 USC 476.

ant to the Act of June 18, 1934 (48 Stat. 987), over lands or persons in Alaska;

"(2) create or validate any assertion by such organization or any form of governmental authority over lands or persons in Alaska; or

"(3) in any way affect any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist in Alaska.

"(h) DEFINITIONS.—For purposes of this section, the term—

"(1) 'Federal Indian reservation' means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any

patent, and including rights-of-way running through the reservation; and

"(2) 'Indian tribe' means any Indian tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.".

SEC. 507. DEFINITION OF POINT SOURCE. 33 USC 1362 note.

For purposes of the Federal Water Pollution Control Act, the term "point source" includes a landfill leachate collection system. 33 USC 1251 note.

SEC. 508. SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES. 101 STAT. 79

(a) FINDING.—The Congress finds that the New York Bight Apex is no longer a suitable location for the ocean dumping of municipal sludge. 33 USC 1414a note.

(b) GENERAL RULE.—Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is further amended by inserting after section 104 the following new section: 33 USC 1414.

"SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES

"SEC. 104A. (a) NEW YORK BIGHT APEX.—(1) For purposes of this subsection: 33 USC 1414a.

"(A) The term 'Apex' means the New York Bight Apex consisting of the ocean waters of the Atlantic Ocean westward of 73 degrees 30 minutes west longitude and northward of 40 degrees 10 minutes north latitude.

"(B) The term 'Apex site' means that site within the Apex at which the dumping of municipal sludge occurred before October 1, 1983.

"(C) The term 'eligible authority' means any sewerage authority or other unit of State or local government that on November 2, 1983, was authorized under court order to dump municipal sludge at the Apex site.

"(2) No person may apply for a permit under this title in relation to the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex unless that person is an eligible authority.

"(3) The Administrator may not issue, or renew, any permit under this title that authorizes the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex after the earlier of—

"(A) December 15, 1987; or

"(B) the day determined by the Administrator to be the first day on which municipal sludge generated by eligible authorities can reasonably be dumped at a site designated under section 102 other than a site within the Apex. 33 USC 1412.

"(b) RESTRICTION ON USE OF THE 106-MILE SITE.—The Administrator may not issue or renew any permit under this title which authorizes any person, other than a person that is an eligible authority within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge within the site designated under section 102(c) by the Administrator and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 19005).".

SEC. 509. OCEAN DISCHARGE RESEARCH PROJECTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator is authorized to issue a research permit to the Orange County, California, Sanitation Districts for the discharge of preconditioned municipal sewage sludge into the ocean for the purpose of enabling research to be conducted in assessing and analyzing the effects of disposing of sewage sludge by pipeline into ocean waters— California.

(1) if the Administrator is satisfied that such local governmental agency is actively pursuing long-term land-based options for the handling of its sludge with special emphasis on remote disposal alternatives set forth in the 1980 LA/OMA sludge

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management project and on reuse of sludge or use of recycled sludge; and

(2) if the Administrator determines that there is no likelihood of an unacceptable adverse effect on the environment as a result of issuance of such permit and that such permit would meet the requirements of paragraph (2) of section 301(h) of the Federal Water Pollution Control Act, as amended by this Act, and of the sentences following the first sentence of such section if such permit were being issued under such section.

33 USC 1311.

(b) PERMIT TERMS.—

(1) PERIOD.—The permit for the discharge of sludge shall be for a period of 5 years commencing on the date of such discharge and shall not be extended or renewed.

State and local governments. Report.

(2) MONITORING.—Such permit shall provide for monitoring (including whole effluent monitoring) of permitted discharges and other discharges into the ocean in the same area and the effects of such discharges (including cumulative effects) in conformance with requirements established by the Administrator, after consultation with appropriate Federal and State agencies, and for the reporting of such monitoring to Congress and the Administrator every 6 months.

(3) VOLUME OF DISCHARGE.—Such permit shall provide that the volume of such local agency's sludge disposed of by such experimental pipeline shall be no more than one and one-half times that being disposed of by such remote disposal and alternatives for the reuse of sludge and the use of recycled sludge. In no event shall the agency dispose of more than 50 percent of its sludge by the pipeline.

Fish and fishing. Wildlife.

(4) TERMINATION.—The permit shall provide for termination of the permit if the Administrator determines that the disposal of sewage sludge is resulting in an unacceptable adverse impact on fish, shellfish, and wildlife. The Administrator may terminate a permit issued under this section if the Administrator determines that there has been a decline in ambient water quality of the receiving waters during the period of the permit even if a direct cause and effect relationship cannot be shown. If the effluent from a source with a permit issued under this section is contributing to a decline in ambient water quality of the receiving waters, the Administrator shall terminate such permit.

(c) LIMITATION ON PRECEDENT.—The facts and circumstances described in subsection (a) present a unique situation which will not establish a precedent for the relaxation of the requirements of the Federal Water Pollution Control Act applicable to similarly situated discharges.

33 USC 1251 note.

(d) REPORT.—Such districts shall report the results of the program and an analysis of such program to Congress under this section not later than four and one-half years after issuance of the permit.

Mexico.

SEC. 510. SAN DIEGO, CALIFORNIA.

(a) PURPOSE.—The purpose of this section is to protect the economy, public health, environment, surface water and public beaches, and water quality of the city of San Diego, California, and surrounding areas, which are endangered and are being polluted by raw sewage emanating from the city of Tijuana, Mexico.

(b) CONSTRUCTION GRANTS.—Upon approval of the necessary plans and specifications, the Administrator is authorized to make grants to the Secretary of State, acting through the American Section of the International Boundary and Water Commission (hereinafter in this section referred to as the "Commission"), or any other Federal agency or any other appropriate commission or entity designated by the President. Such grants shall be for construction of a project consisting of—

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(1) defensive treatment works to protect the residents of the city of San Diego, California, and surrounding areas from pollution resulting from any inadequacies or breakdowns in wastewater treatment works and systems in Mexico; and

(2) treatment works in the city of San Diego, California, to provide primary or more advanced treatment of municipal sewage and industrial waste from Mexico, including the city of Tijuana, Mexico.

(c) LIMITATION ON GRANTS.—Notwithstanding subsection (b), the Administrator may make grants for construction of treatment works described in subsection (b)(2) only if, after public notice and comment, the Administrator determines that treatment works in Mexico, in conjunction with any defensive treatment works constructed under this or any other Act, are not sufficient to protect the residents of the city of San Diego, California, and surrounding areas from water pollution originating in Mexico. Pollution.

(d) OPERATION AND MAINTENANCE.—The Commission or such other agency, commission, or entity as may be designated under subsection (b) is authorized to operate and maintain any treatment works constructed under subsection (b) in order to accomplish the purposes of this section.

(e) APPROVAL OF PLANS.—Any treatment works for which a grant is made under this section shall be constructed in accordance with plans developed by the Commission or such other agency, commission, or entity as may be designated under subsection (b), in consultation with the city of San Diego, and approved by the Administrator to meet the construction standards which would be applicable if such treatment works were being constructed under title II of the Federal Water Pollution Control Act. 33 USC 1281.

(f) FEDERAL SHARE.—Construction of the treatment works under subsection (b) shall be at full Federal expense less any costs paid by the State of California and less any costs paid by the Government of Mexico as a result of agreements negotiated with the United States.

(g) OCEAN OUTFALL PERMIT.—Notwithstanding section 301(j) of the Federal Water Pollution Control Act, upon application of the city of San Diego, California, the Administrator may issue a permit under section 301(h) of such Act which modifies the requirements of section 301(b)(1)(B) of such Act to permit the discharge of pollutants for any ocean outfall constructed with Federal assistance under this section if the Administrator finds that issuing such permit is in the best interests of achieving the goals and requirements of such Act. The Administrator may waive the requirements of section 301(h)(5) of such Act with respect to the issuance of such permit if the Administrator finds that such waiver is in the best interests of achieving the goals and requirements of such Act. Pollution. 33 USC 1311.

(h) TREATMENT OF SAN DIEGO SEWAGE.—If any treatment works constructed pursuant to this section becomes no longer necessary to provide protection from pollution originating in Mexico, the city of San Diego, California, may use such treatment works to treat municipal and individual waste originating in the city of San Diego and surrounding areas if the city of San Diego enters into a binding agreement with the Administrator to pay to the United States 45 percent of the costs incurred in the construction of such treatment works. 101 STAT. 82

(i) DEFINITIONS.—For purposes of this section, the terms "construction" and "treatment works" have the meanings such terms have under section 212 of the Federal Water Pollution Control Act. 33 USC 1292.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, such sums as may be necessary to the Administrator to make grants under this section and such sums as may be necessary to the Commission or such other agency, commission, or entity as the President may designate under subsection (b), to carry out this section. Grants.

SEC. 511. LIMITATION ON DISCHARGE OF RAW SEWAGE BY NEW YORK CITY.

(a) IN GENERAL.—

(1) NORTH RIVER PLANT.—If the wastewater treatment plant identified in the consent decree as the North River plant has

not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1986, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1986 (as determined by the Administrator), except as provided in subsection (b).

(2) RED HOOK PLANT.—If the wastewater treatment plant identified in the consent decree as the Red Hook plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1987, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1987 (as determined by the Administrator), except as provided in subsection (b).

(b) WAIVERS.—

(1) INTERRUPTION OF PLANT OPERATION.—In the event of any significant interruption in the operation of the North River plant or the Red Hook plant caused by an event described in subparagraph (A), (B), or (C) of paragraph (5) occurring after the applicable deadline established under subsection (a), the Administrator shall waive the limitation of subsection (a) with respect to such plant, but only to such extent and for such limited period of time as may be reasonably necessary for the city of New York to resume operation of such plant.

(2) INCREASED PRECIPITATION.—In the event that the volume of precipitation occurring after the applicable deadline established under subsection (a) causes the discharge of raw sewage to exceed the limitation under subsection (a), the Administrator shall waive the limitation of subsection (a) with respect to either or both such plants, but only to such extent and for such limited period of time as the Administrator determines to be necessary to take into account the increased discharge caused by such volume of precipitation.

101 STAT. 83

(3) VARIATIONS IN CERTAIN NORTH RIVER DRAINAGE AREA DISCHARGES.—In the event that an increase in discharges from the North River drainage area constituting a violation of subsection (a)(1) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1986, is not responsible for such violation, the Administrator shall waive the limitation of subsection (a)(1), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(4) VARIATIONS IN CERTAIN RED HOOK DRAINAGE AREA DISCHARGES.—In the event that an increase in discharges from the Red Hook drainage area constituting a violation of subsection (a)(2) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1987, is not responsible for such violation, the Administrator shall waive the limitation of subsection (a)(2), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(5) CIRCUMSTANCES BEYOND CITY'S CONTROL.—The Administrator shall extend either deadline under paragraph (1) or (2) of subsection (a) to such extent and for such limited period of time as may be reasonably required to take into account any—

(A) act of war,

(B) unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, or

(C) other circumstances beyond the control of the city of New York, except such circumstances shall not include (i) the unavailability of Federal funds under section 201 of the Federal Water Pollution Control Act, (ii) the unavailability of funds from the city of New York or the State of New York, or (iii) a policy decision made by the city of New York or the State of New York to delay the achievement of advanced preliminary treatment at the North River plant or Red Hook plant beyond the applicable deadline set forth in subsection (a).

33 USC 1281.

(c) PENALTIES.—Except as otherwise provided in subsection (b), any violation of subsection (a) shall be considered to be a violation of section 301 of the Federal Water Pollution Control Act, and all provisions of such Act relating to violations of such section 301 shall apply.

33 USC 1311.

(d) CONSENT DECREE DEFINED.—For purposes of this section, the term "consent decree" means the consent decree entered into by the Environmental Protection Agency, the city of New York, and the State of New York, on December 30, 1982, relating to construction and operation of the North River and Red Hook wastewater treatment plants.

101 STAT. 84

(e) COOPERATION.—The Administrator shall work with the city of New York to eliminate the discharge of raw sewage by such city at the earliest practicable date.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed as modifying the terms of the consent decree.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should not agree to any further modification of the consent decree with respect to the schedule for achieving advanced preliminary treatment.

(h) TERMINATION DATES.—

(1) NORTH RIVER PLANT.—The provisions of this section shall remain in effect with respect to the North River drainage area until such time as the North River plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(2) RED HOOK PLANT.—The provisions of this section shall remain in effect with respect to the Red Hook drainage area until such time as the Red Hook plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(i) MONITORING ACTIVITIES.—The Administrator shall promptly establish and carry out a program within available funds to implement the monitoring activities which may be required under subsection (a).

(j) ESTABLISHMENT OF METHODOLOGIES.—The Administrator shall establish the methodologies, data base, and any other information required for making determinations under subsection (b)—

(1) for the North River drainage area (as defined in the consent decree) by July 31, 1986, unless the requirements of subsection (h)(1) have been satisfied, and

(2) for the Red Hook drainage area (as defined by the consent decree) by July 31, 1987, unless the requirements of subsection (h)(2) have been satisfied.

(k) VIOLATIONS.—In carrying out this section, if the Administrator finds that a violation of subsection (a) has occurred, the Administrator shall also determine, within 30 days after such finding, whether a provision of subsection (b) applies. If the Administrator requires information from the city of New York in order to determine whether a provision of subsection (b) applies, the Administrator shall request such information. If the city of New York does not supply the information requested by the Administrator, the Administrator shall determine that subsection (b) does not apply. The city of New York shall be responsible only for such expenses as are necessary to provide such requested information. Enforcement action pursuant to subsection (c) shall be commenced at the end of such 30 days unless a provision of subsection (b) applies.

SEC. 512. OAKWOOD BEACH AND RED HOOK PROJECTS, NEW YORK.

33 USC 1251 note.

(a) RELOCATION OF NATURAL GAS FACILITIES.—Notwithstanding any provision of the Federal Water Pollution Control Act, the Administrator shall pay, to the extent provided in appropriation Acts, in the same proportion as the Federal share of other project costs, all expenses for the relocation of facilities for the distribution of natural gas with respect to the entire wastewater treatment works known as the Oakwood Beach (EPA Grant Numbered 360392) and Red Hook (EPA Grant Numbered 360394) projects, New York.

101 STAT. 85

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, not to exceed $7,000,000 to carry out this section.

SEC. 513. BOSTON HARBOR AND ADJACENT WATERS.

(a) GRANTS.—The Administrator shall make grants to the Massachusetts Water Resource Authority for purposes of—

(1) assessing the principal factors having an adverse effect on the environmental quality of Boston Harbor and its adjacent waters;

(2) developing and implementing a management program to improve the water quality of such Harbor and waters; and

(3) constructing necessary waste water treatment works for providing secondary treatment for the areas served by such authority.

(b) FEDERAL SHARE.—The Federal share of projects described in subsection (a) shall not exceed 75 percent of the cost of construction thereof.

(c) EMERGENCY IMPROVEMENTS.—The Administrator is authorized and directed to make grants to the Massachusetts Water Resource Authority for a project to undertake emergency improvements at the Deer Island Waste Water Treatment Plant in Boston, Massachusetts. The Federal share of such project shall not exceed 75 percent of the cost of carrying out such improvements.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 to carry out this section for fiscal years beginning after September 30, 1986, to remain available until expended. Such sums shall be in addition to and not in lieu of any other amounts authorized to be appropriated under title II of the Federal Water Pollution Control Act.

33 USC 1281.

SEC. 514. WASTEWATER RECLAMATION DEMONSTRATION.

California.

(a) AUTHORITY TO MAKE GRANTS.—The Administrator is authorized to make a grant to the San Diego Water Reclamation Agency, California, to demonstrate and field test for public use innovative processes which advance the technology of wastewater reclamation and which promote the use of reclaimed wastewater.

(b) FEDERAL SHARE.—The Federal share of grants made under this section shall be 85 percent of the costs of conducting such demonstration and field test.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $2,000,000 to carry out this section for fiscal years beginning after September 30, 1986.

SEC. 515. DES MOINES, IOWA.

(a) GRANT.—The Administrator is authorized to make a grant to the city of Des Moines, Iowa, for construction of the Central Sewage Treatment Plant component of the Des Moines, Iowa, metropolitan area project. The Federal share of such project shall be 75 percent of the cost of construction.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not to exceed $50,000,000 for fiscal years beginning after September 30, 1986. Such sums shall be in addition to and not in lieu of any other amounts authorized to be appropriated under title II of the Federal Water Pollution Control Act.

101 STAT. 86

SEC. 516. STUDY OF DE MINIMIS DISCHARGES.

33 USC 1375 note. Pollution.

(a) STUDY.—The Administrator shall conduct a study of discharges of pollutants into the navigable waters and their regulation under the Federal Water Pollution Control Act to determine whether or not there are discharges of pollutants into such waters in amounts which, in terms of volume, concentration, and type of pollutant, are not significant and to determine the most effective and appropriate methods of regulating any such discharges.

33 USC 1251 note.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with recommendations and findings concerning the most effective and appropriate methods of regulating any discharges of pollutants into the navigable waters in amounts which the Administrator determines under such study to be not significant.

SEC. 517. STUDY OF EFFECTIVENESS OF INNOVATIVE AND ALTERNATIVE PROCESSES AND TECHNIQUES.

33 USC 1375 note.

(a) EFFECTIVENESS STUDY.—The Administrator shall study the effectiveness on waste treatment of innovative and alternative wastewater treatment processes and techniques referred to in section 201(g)(5) of the Federal Water Pollution Control Act which have been utilized in treatment works constructed under such Act. In conducting such study, the Administrator shall compile information, by State, on the types of such processes and techniques utilized, on the number of facilities constructed with such processes and techniques, and a description of such processes and techniques which have not performed to design standards. The Administrator shall also determine which States have not obligated the full amount set aside under section 205(i) of such Act for such processes and techniques and the reasons for each such State's failure to make such obligations.

33 USC 1281.

Ante, p. 20.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for providing more effective incentives for innovative and alternative wastewater treatment processes and techniques.

SEC. 518. STUDY OF TESTING PROCEDURES.

33 USC 1375 note. Pollution.

(a) STUDY.—The Administrator shall study the testing procedures for analysis of pollutants established under section 304(h) of the Federal Water Pollution Control Act. Such study shall include, but not be limited to, an analysis of the adequacy and standardization of such procedures. In conducting the analysis of the standardization of such procedures, the Administrator shall consider the extent to which such procedures are consistent with comparable procedures established under other Federal laws.

33 USC 1314.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study conducted under this subsection, together with recommendations for modifying the test procedures referred to in subsection (a) to improve their effectiveness, to the Committee on
101 STAT. 87 Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

33 USC 1375 note.

SEC. 519. STUDY OF PRETREATMENT OF TOXIC POLLUTANTS.

(a) STUDY.—The Administrator shall study—

(1) the adequacy of data on environmental impacts of toxic industrial pollutants discharged from publicly owned treatment works;

(2) the extent to which secondary treatment at publicly owned treatment works removes toxic pollutants;

(3) the capability of publicly owned treatment works to revise pretreatment requirements under section 307(b)(1) of the Federal Water Pollution Control Act;

33 USC 1317.

(4) possible alternative regulatory strategies for protecting the operations of publicly owned treatment works from industrial discharges, and shall evaluate the extent to which each such strategy identified may be expected to achieve the goals of this Act;

(5) for each such alternative regulatory strategy, the extent to which removal of toxic pollutants by publicly owned treatment works results in contamination of sewage sludge and the extent to which pretreatment requirements may prevent such contamination or improve the ability of publicly owned treatment works to comply with sewage sludge criteria developed under section 405 of the Federal Water Pollution Control Act; and

33 USC 1345. State and local governments.

(6) the adequacy of Federal, State, and local resources to establish, implement, and enforce multiple pretreatment limits for toxic pollutants for each such alternative strategy.

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Administrator shall submit a report on the results of such study along with recommendations for improving the effectiveness of pretreatment requirements to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

33 USC 1375 note. State and local governments.

SEC. 520. STUDIES OF WATER POLLUTION PROBLEMS IN AQUIFERS.

(a) STUDIES.—The Administrator, in conjunction with State and local agencies and after providing an opportunity for full public participation, shall conduct studies for the purpose of identifying existing and potential point and nonpoint sources of pollution, and of identifying measures and practices necessary to control such sources of pollution, in the following groundwater systems and aquifers:

Arizona.

(1) the groundwater system of the Upper Santa Cruz Basin and the Avra-Altar Basin of Pima, Pinal, and Santa Cruz Counties, Arizona;

Washington. Idaho.

(2) the Spokane-Rathdrum Valley Aquifer, Washington and Idaho;

New York.

(3) the Nassau and Suffolk Counties Aquifer, New York;

(4) the Whidbey Island Aquifer, Washington;

New Jersey.

(5) the Unconsolidated Quaternary Aquifer, Rockaway River area, New Jersey;

Connecticut.

(6) contaminated ground water under Litchfield, Hartford, Fairfield, Tolland, and New Haven counties, Connecticut; and

Arkansas.

(7) the Sparta Aquifer, Arkansas.

(b) REPORTS.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the studies conducted under this section. 101 STAT. 88

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.

SEC. 521. GREAT LAKES CONSUMPTIVE USE STUDY.

42 USC 1962d-20 note.
Fish and fishing.
Environmental protection.

(a) STUDY OF CONSUMPTIVE USES.—In recognition of the serious impacts on the Great Lakes environment that may occur as a result of increased consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Secretary of the Army in cooperation with the Administrator, other interested departments, agencies, and instrumentalities of the United States, and the eight Great Lakes States, is authorized to conduct a study of the effects of Great Lakes water consumption on economic growth and environmental quality in the Great Lakes region and of control measures that can be implemented to reduce the quantity of water consumed.

(b) MATTERS INCLUDED.—The study authorized by this section shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

33 USC 1251 note.

(3) an analysis of the effect of laws, regulations, and national policy objectives on consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the associated environmental impacts and of the economic effects on industry and other interests in the Great Lakes region associated with individual consumptive use control strategies; and

(5) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) GREAT LAKES STATES DEFINED.—For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, $750,000 to carry out this section. Sums appropriated under this section shall remain available until expended.

SEC. 522. SULFIDE CORROSION STUDY.

33 USC 1375 note.

(a) STUDY.—The Administrator shall conduct a study of the corrosive effects of sulfides in collection and treatment systems, the extent to which the uniform imposition of categorical pretreatment standards will exacerbate such effects, and the range of available options to deal with such effects. 101 STAT. 89

(b) CONSULTATION.—The study required by this section shall be conducted in consultation with the Los Angeles City and County sanitation agencies.

California.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study, together with recommendations for measures to reduce the corrosion of treatment works, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section for fiscal years beginning after September 30, 1986.

33 USC 1375 note.

SEC. 523. STUDY OF RAINFALL INDUCED INFILTRATION INTO SEWER SYSTEMS.

California.

(a) STUDY.—The Administrator shall study problems associated with rainfall induced infiltration into wastewater treatment sewer systems. As part of such study, the Administrator shall study appropriate methods of regulating rainfall induced infiltration into the sewer system of the East Bay Municipal Utility District, California.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of such study, along with recommendations on reasonable methods to reduce such infiltration.

33 USC 1375 note.
State and local governments.

SEC. 524. DAM WATER QUALITY STUDY.

The Administrator, in cooperation with interested States and Federal agencies, shall study and monitor the effects on the quality of navigable waters attributable to the impoundment of water by dams. The results of such study shall be submitted to Congress not later than December 31, 1987.

33 USC 1375 note.
Montana.
Washington.

SEC. 525. STUDY OF POLLUTION IN LAKE PEND OREILLE, IDAHO.

The Administrator shall conduct a comprehensive study of the sources of pollution in Lake Pend Oreille, Idaho, and the Clark Fork River and its tributaries, Idaho, Montana, and Washington, for the purpose of identifying the sources of such pollution. In conducting such study, the Administrator shall consider existing studies, surveys, and test results concerning such pollution. The Administrator shall report to Congress the findings and recommendations concerning the study conducted under this section.

Reports.

JIM WRIGHT
Speaker of the House of Representatives.

JOHN C. STENNIS
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,

February 3, 1987.

101 STAT. 90

The House of Representatives having proceeded to reconsider the bill (H.R. 1) entitled "An Act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

DONNALD K. ANDERSON
Clerk.

I certify that this Act originated in the House of Representatives.

DONNALD K. ANDERSON
Clerk.

IN THE SENATE OF THE UNITED STATES,

February 4, 1987.

The Senate having proceeded to reconsider the bill (H.R. 1) entitled "An Act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes", returned by the President of

the United States with his objections, to the House of Representatives in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

WALTER J. STEWART
Secretary.

LEGISLATIVE HISTORY—H.R. 1 (S. 1) (S. 76):

CONGRESSIONAL RECORD, Vol. 133 (1987):
Jan. 8, considered and passed House.
Jan. 14, 16, 20, 21, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Jan. 30, Presidential veto messages.
CONGRESSIONAL RECORD, Vol. 133 (1987):
Feb. 3, House overrode veto.
Feb. 4, Senate overrode veto.

Public Law 100-38
100th Congress

101 STAT. 306

An Act

To change the name of the "Connecticut Coastal National Wildlife Refuge" to the "Stewart B. McKinney National Wildlife Refuge".

May 13, 1987
[S. 1167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Stewart B. McKinney National Wildlife Refuge Designation Act of 1987.
16 USC 668dd note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stewart B. McKinney National Wildlife Refuge Designation Act of 1987".

SEC. 2. NAME CHANGE OF THE REFUGE.

The Connecticut Coastal National Wildlife Refuge, as established by Public Law 98-548, is hereby redesignated as the "Stewart B. McKinney National Wildlife Refuge".

SEC. 3. AUTHORIZATION TO THE SECRETARY.

In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such modifications to maps, signs, and other references and structures to properly reflect such redesignation.

SEC. 4. AUTHORIZATION TO ACCEPT FUTURE MEMORIALS.

The Secretary is authorized to accept future memorials to be placed in the Stewart B. McKinney National Wildlife Refuge describing the contributions of Stewart B. McKinney to the Nation.

SEC. 5. AUTHORIZATION OF FUNDS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved May 13, 1987.

LEGISLATIVE HISTORY—S. 1167 (H.R. 2334):

CONGRESSIONAL RECORD, Vol. 133 (1987):
May 8, considered and passed Senate; H.R. 2334 considered and passed House; proceedings vacated and S. 1167 passed in lieu.

101 STAT. 1313 Public Law 100-196
100th Congress

An Act

Dec. 18, 1987
[S. 649]

To amend the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 208 of the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327) is amended by deleting "$39,370,000 (January 1976 prices), plus or minus such amounts, if any," and inserting in lieu thereof "$88,000,000 (January 1987 prices): *Provided,* That of the $88,000,000 authorized herein, only $18,000,000 thereof may be adjusted by such amounts, plus or minus,".

Approved December 18, 1987.

LEGISLATIVE HISTORY—S. 649:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Oct. 8, considered and passed Senate.
Dec. 8, considered and passed House.

FOREIGN OPERATIONS ACT

Public Law 100-204
100th Congress

101 STAT. 1331

An Act

To authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes.

Dec. 22, 1987
[H.R. 1777]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.
22 USC 2651 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1988 and 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS, ALLOCATIONS OF FUNDS, RESTRICTIONS

Sec. 101. Administration of Foreign Affairs.
Sec. 102. Contributions to International Organizations and Conferences; International Peacekeeping Activities.
Sec. 103. International Commissions.
Sec. 104. Migration and refugee assistance.
Sec. 105. Other programs.
Sec. 106. Reduction in earmarks if appropriations are less than authorizations.
Sec. 107. Transfer of funds.
Sec. 108. Compliance with Presidential-Congressional summit agreement on deficit reduction.
Sec. 109. Prohibition on use of funds for political purposes.
Sec. 110. Latin American and Caribbean data bases.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

Sec. 121. Reprogramming of funds appropriated for the Department of State.
Sec. 122. Consular and diplomatic posts abroad.
Sec. 123. Closing of diplomatic and consular posts in Antigua and Barbuda.
Sec. 124. Report on expenditures made from appropriation for emergencies in the diplomatic and consular service.
Sec. 125. Requirements applicable to gifts used for representational purposes.
Sec. 126. Protection of historic and artistic furnishings of reception areas of the Department of State building.
Sec. 127. Inclusion of coercive population control information in annual human rights report.
Sec. 128. Limitation on the use of a foreign mission in a manner incompatible with its status as a foreign mission.
Sec. 129. Allocation of shared costs at missions abroad.
Sec. 130. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.
Sec. 131. Purchasing and leasing of residences.
Sec. 132. Prohibition on acquisition of house for Secretary of State.
Sec. 133. United States Department of State freedom of expression.
Sec. 134. Repeal of Office of Policy and Program Review.
Sec. 135. Studies and planning for a consolidated training facility for the Foreign Service Institute.
Sec. 136. Restriction on supervision of Government employees by chiefs of mission.
Sec. 137. Study and report concerning the status of individuals with diplomatic immunity in the United States.
Sec. 138. Federal jurisdiction of direct actions against insurers of diplomatic agents.
Sec. 139. Enforcement of Case-Zablocki Act requirements. 101 STAT. 1332
Sec. 140. Annual country reports on terrorism.
Sec. 141. Restriction on use of funds for public diplomacy efforts.
Sec. 142. Authority to invest and recover expenses from international claims settlement funds.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

Sec. 151. United States-Soviet Embassy Agreement; prohibition on use of Mt. Alto Site.
Sec. 152. Recovery of damages incurred as a result of Soviet intelligence activities directed at the new United States Embassy in Moscow.
Sec. 153. United States-Soviet reciprocity in matters relating to embassies.
Sec. 154. Report on personnel of Soviet state trading enterprises.
Sec. 155. Personnel security program for embassies in high intelligence threat countries.
Sec. 156. Accountability Review Boards.
Sec. 157. Prohibition on certain employment at United States diplomatic and consular missions in Communist Countries.
Sec. 158. Termination of retirement benefits for foreign national employees engaging in hostile intelligence activities.
Sec. 159. Report on employment of foreign nationals at foreign service posts abroad.
Sec. 160. Construction security certification.
Sec. 161. Protection from future hostile intelligence activities in the United States.
Sec. 162. Application of travel restrictions to personnel of certain countries and organizations.
Sec. 163. Counterintelligence polygraph screening of Diplomatic Security Service personnel.
Sec. 164. United States Embassy in Hungary.

PART D—PERSONNEL MATTERS

Sec. 171. Commission to study Foreign Service personnel system.
Sec. 172. Protection of Civil Service employees.
Sec. 173. Compensation for certain State Department officials.
Sec. 174. Audit of merit personnel system of Foreign Service.
Sec. 175. Performance pay.
Sec. 176. Extension of limited appointments.
Sec. 177. Chief of missions salary.
Sec. 178. Pay level of ambassadors at large.
Sec. 179. Foreign Service career candidates tax treatment.
Sec. 180. Prohibition on member of a Foreign Service union negotiating on behalf of the Department of State.
Sec. 181. Clarification of jurisdiction of foreign service grievance board.
Sec. 182. Record of grievances awarded.
Sec. 183. Women and minorities in the Foreign Service.
Sec. 184. Compliance with law requiring reports to Congress.
Sec. 185. Changes in reporting requirements.
Sec. 186. Disposition of personal property abroad.
Sec. 187. Authorities for service of Fascell fellows.
Sec. 188. Benefits for certain former spouses of members of the Foreign Service.

TITLE II—UNITED STATES INFORMATION AGENCY

Sec. 201. Authorization of appropriations; allocation of funds.
Sec. 202. Funds appropriated for the United States Information Agency.
Sec. 203. Receipts from English-teaching and library programs.
Sec. 204. USIA posts and personnel overseas.
Sec. 205. Forty-year leasing authority.
Sec. 206. United States Information Agency programming on Afghanistan.
Sec. 207. Television service of the United States Information Agency.
Sec. 208. Limitation on Worldnet funding.
Sec. 209. Audience survey of Worldnet program.
Sec. 210. National Endowment for Democracy.
Sec. 211. Separate accounts for NED grantees.
Sec. 212. NED treatment of independent labor unions.
Sec. 213. United States Advisory Commission on Public Diplomacy.
Sec. 214. Distribution within the United States of USIA film entitled "America The Way I See It".
Sec. 215. Availability of certain USIA photographs for distribution within the United States by the Department of Defense.
101 STAT. 1333 Sec. 216. USIA undergraduate scholarship program.

TITLE III—EDUCATIONAL AND CULTURAL AFFAIRS

Sec. 301. Authorizations of appropriations.
Sec. 302. Samantha Smith Memorial Exchange Program.
Sec. 303. The Arts America Program.
Sec. 304. Professorship on constitutional democracy.
Sec. 305. United States-India Fund.
Sec. 306. The Edward Zorinsky Memorial Library.
Sec. 307. Cultural Property Advisory Committee.

TITLE IV—VOICE OF AMERICA

Sec. 401. Authorizations of appropriations.
Sec. 402. Voice of America/Europe.
Sec. 403. Contractor requirements.

TITLE V—THE BOARD FOR INTERNATIONAL BROADCASTING

Sec. 501. Authorization of appropriations; allocation of funds.
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TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) DIPLOMATIC AND ONGOING OPERATIONS.—The following amounts are authorized to be appropriated under "Administration of Foreign Affairs" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States:

(1) For "Salaries and Expenses" of the Department of State (other than the Diplomatic Security Program), $1,431,908,000 for the fiscal year 1988 and $1,460,546,000 for the fiscal year 1989, of which not less than $250,000 for each fiscal year shall be available only for use by the Bureau of International Communications and Information Policy to support international institutional development and other activities which promote international communications and information development.

(2) For "Acquisition and Maintenance of Buildings Abroad" (other than the Diplomatic Security Program), $313,124,000 for the fiscal year 1988 and $319,386,000 for the fiscal year 1989.

(3) For "Representation Allowances", $4,460,000 for the fiscal year 1988 and $4,549,000 for the fiscal year 1989.

(4) For "Emergencies in the Diplomatic and Consular Service", $4,000,000 for the fiscal year 1988 and $4,080,000 for the fiscal year 1989.

(5) For "Payment to the American Institute in Taiwan", $9,379,000 for the fiscal year 1988 and $9,567,000 for the fiscal year 1989.

(b) DIPLOMATIC SECURITY PROGRAM.—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under "Administration of Foreign Affairs" for the Department of State to carry out the diplomatic security program: 101 STAT. 1336

(1) For "Salaries and Expenses", $350,000,000 for the fiscal year 1988 and $357,000,000 for the fiscal year 1989.

(2) For "Protection of Foreign Missions and Officials", $9,100,000 for the fiscal year 1988 and $9,282,000 for the fiscal year 1989.

(c) DIPLOMATIC SECURITY PROGRAM CAPITAL CONSTRUCTION.—Section 401(a)(3) of the Diplomatic Security Act (22 U.S.C. 4851(a)(3)) is amended by adding at the end thereof "Authorizations of appropriations under this paragraph shall remain available until the appropriations are made.".

SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND CONFERENCES; INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated to the Department of State under "Contributions to International Organizations", $571,000,000 for the fiscal year 1988 and $582,420,000 for the fiscal year 1989 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations, of which amount—

(1) $193,188,000 for the fiscal year 1988 and $193,188,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the United Nations;

(2) $63,857,000 for the fiscal year 1988 and $63,857,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the World Health Organization;

(3) $31,443,000 for the fiscal year 1988 and $31,443,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Atomic Energy Agency;

(4) $44,915,000 for the fiscal year 1988 and $44,915,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the Organization of American States;

(5) $38,659,000 for the fiscal year 1988 and $38,659,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the Pan-American Health Organization;

(6) $7,849,000 for the fiscal year 1988 and $7,849,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Civil Aviation Organization;

(7) $645,000 for the fiscal year 1988 and $645,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Maritime Organization;

(8) $4,471,000 for the fiscal year 1988 and $4,471,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Telecommunication Union;

(9) $25,110,000 for the fiscal year 1988 and $25,110,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the North Atlantic Treaty Organization;

(10) $29,385,000 for the fiscal year 1988 and $29,385,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the Organization for Economic Co-operation and Development; and

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(11) $388,000 for the fiscal year 1988 and $388,000 for the fiscal year 1989 shall be available only for the United States assessed contribution to the International Wheat Council.

(b) INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated to the Department of State under "Contributions to International Peacekeeping Activities", $29,400,000 for fiscal year 1988 and $29,988,000 for the fiscal year 1989 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities.

(c) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated to the Department of State under "International Conferences and Contingencies", $6,000,000 for fiscal year 1988 and $6,120,000 for the fiscal year 1989 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies, of which amount such funds as may be necessary shall be available for the expense of hosting the 1987 General Assembly of the Organization of American States.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions:

(1) For "International Boundary and Water Commission, United States and Mexico", $14,700,000 for the fiscal year 1988 and $14,994,000 for the fiscal year 1989.

(2) For "International Boundary Commission, United States and Canada", $721,000 for the fiscal year 1988 and $735,000 for the fiscal year 1989.

(3) For "International Joint Commission", $2,979,000 for the fiscal year 1988 and $3,039,000 for the fiscal year 1989.

(4) For "International Fisheries Commissions", $10,800,000 for the fiscal year 1988 and $11,016,000 for the fiscal year 1989.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of State under "Migration and Refugee Assistance", $336,750,000 for the fiscal year 1988 and $343,485,000 for the fiscal year 1989 in order to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to migration and refugee assistance.

(b) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by subsection (a)—

(1) $25,000,000 for the fiscal year 1988 and $25,000,000 for the fiscal year 1989 shall be available only for assistance for refugees resettling in Israel; and

(2) $5,000,000 for the fiscal year 1988 and $5,000,000 for the fiscal year 1989 shall be available only for the United Nations High Commissioner for Refugees and other international relief organizations for the protection of, and improvements in educational, nutritional, and medical assistance for, the Indochinese refugees in Thailand, of which $1,000,000 for the fiscal year 1988 and $1,000,000 for the fiscal year 1989 shall be used only for such educational purposes. 101 STAT. 1338

SEC. 105. OTHER PROGRAMS.

There are authorized to be appropriated to the Department of State for the following programs:

(1) "Bilateral Science and Technology Agreements", $1,900,000 for the fiscal year 1988 and $1,938,000 for the fiscal year 1989.

(2) "Soviet-East European Research and Training", $4,600,000 for the fiscal year 1988 and $5,000,000 for the fiscal year 1989.

SEC. 106. REDUCTION IN EARMARKS IF APPROPRIATIONS ARE LESS THAN AUTHORIZATIONS.

If the amount appropriated for a fiscal year pursuant to any authorization of appropriations provided by this Act is less than the authorization amount and a provision of this Act provides that a specified amount of the authorization amount shall be available only for a certain purpose, then the amount so specified shall be deemed to be reduced for that fiscal year to the amount which bears the same ratio to the specified amount as the amount appropriated bears to the authorization amount.

SEC. 107. TRANSFER OF FUNDS.

(a) TRANSFERS FOR SALARIES AND EXPENSES.—The Secretary of State may transfer, without regard to section 1502 of title 31, United States Code, to the "Salaries and Expenses" account of the Department of State amounts appropriated for any fiscal year prior to fiscal year 1989 under "Acquisition and Maintenance of Buildings Abroad" which are allocated for capital programs. Any transfer under this subsection shall be treated as a reprogramming for purposes of section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(b) LIMITATIONS.—

(1) Subsection (a) shall not apply to amounts appropriated for purposes of the diplomatic security program under section 401(a) of the Diplomatic Security Act (22 U.S.C. 4851).

(2) The aggregate of—

(A) the amounts transferred under this section for a fiscal year, and

(B) the amounts appropriated for "Salaries and Expenses" for that fiscal year,

may not exceed the amount authorized to be appropriated for "Salaries and Expenses" for that fiscal year.

(3) The authority contained in subsection (a) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 108. COMPLIANCE WITH PRESIDENTIAL-CONGRESSIONAL SUMMIT AGREEMENT ON DEFICIT REDUCTION.

Notwithstanding the specific authorizations of appropriations c tained in this Act, budget authority may not be provided pursua to those authorizations in an amount which would cause the agg gate amount of discretionary budget authority provided for int national affairs (budget function 150) for a fiscal year to exceed t 101 STAT. 1339 amount of discretionary budget authority for international affa for that fiscal year as specified in laws implementing the agreement between the President and the joint Congressional leadership on November 20, 1987.

22 USC 2656 note.

SEC. 109. PROHIBITION ON USE OF FUNDS FOR POLITICAL PURPOSES.

No funds authorized to be appropriated by this Act or by any other Act authorizing funds for any entity engaged in any activity concerning the foreign affairs of the United States shall be used—

(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress;

(2) to influence in any way the outcome of a political election in the United States; or

(3) for any publicity or propaganda purposes not authorized by Congress.

SEC. 110. LATIN AMERICAN AND CARIBBEAN DATA BASES.

(a) AUTHORIZATION.—The Secretary of State, in consultation with the heads of appropriate departments and agencies of the United States, shall use not less than $1,300,000 of the funds authorized to be appropriated for each of the fiscal years 1988 and 1989 by section 101(a)(1) of this Act to provide for the establishment of a Latin American and Caribbean Data Base.

(b) CONDITIONS.—In developing these data bases the Secretary of State shall be required to satisfy the following conditions:

(1) Any new agreement for an on-line bibliographic data base entered into for purposes of this section shall be subject to full and open competition or merit review among qualified United States institutions with strong Latin American and Caribbean programs.

(2) The Secretary shall ensure that funds are not awarded to maintain services which are significantly duplicative of existing services.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

SEC. 121. REPROGRAMMING OF FUNDS APPROPRIATED FOR THE DEPARTMENT OF STATE.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) by inserting "(a)" after "SEC. 34."; and

(2) by adding at the end the following:

"(b) Funds appropriated for the Department of State may not be available for obligation or expenditure through any reprogramming described in subsection (a) during the period which is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period."

22 USC 2656 note.

SEC. 122. CONSULAR AND DIPLOMATIC POSTS ABROAD.

(a) PROHIBITED USES OF FUNDS.—

(1) CLOSING POSTS.—No funds authorized to be appropriated by this or any other Act shall be available to pay any expense related to the closing of any United States consular or diplomatic post abroad.

(2) FUNDING FOR BUREAU OF ADMINISTRATION IF POSTS CLOSED.—No funds authorized to be appropriated by this Act

101 STAT. 1340

shall be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed after January 1, 1987, and is not reopened.

(b) FUNDS FOR OPERATING CERTAIN CONSULATES.—

(1) ALLOCATION.—Of the funds authorized to be appropriated by section 101(a)(1) for "Salaries and Expenses", not less than $50,000,000 for each of the fiscal years 1988 and 1989 shall be available only to operate United States consulates in Salzburg, Strasbourg, Goteborg, Lyon, Dusseldorf, Tangier, Genoa, Nice, Porto Alegre, and Maracaibo.

(2) EXCESS FUNDS.—Funds allocated by paragraph (1) which are in excess of the amount needed to operate the consulates specified in that paragraph may be used for other purposes

under "Administration of Foreign Affairs" if all the specified consulates are open and functioning.

(c) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) any post closed after January 1, 1987, and before the date of enactment of this Act if the host government will not allow that post to be reopened;

(2) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located;

(3) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against American travel to that city has been issued by the Department of State;

(4) any post closed in order to provide funds to open a new consular or diplomatic post which will be staffed by the Department of State on a full-time basis with at least one Foreign Service officer or member of the Senior Foreign Service, if the Secretary of State, prior to the closing of the post, prepares and transmits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report stating that—

(A) the new post is a higher priority than the post proposed to be closed; and

(B) the total number of consular and diplomatic posts abroad is not less than the number of such posts in existence on January 1, 1987 (excluding the posts exempted under paragraphs (1) through (4)); and

(5) the post closed pursuant to section 123.

(d) SEQUESTRATION.—In the case that a sequestration order is issued pursuant to Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.; Public Law 99-177), the Secretary of State may, as part of an agencywide austerity proposal, submit a report proposing a list of consular posts to be downgraded or closed in order to comply with the sequestration order, together with a justification for the inclusion of each post on such list. Such report shall be submitted to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(e) DEFINITION.—As used in this section, the term "consular or diplomatic post" does not include a post to which only personnel of agencies other than the Department of State are assigned.

101 STAT. 1341

(f) EFFECTIVE DATE.—Subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 123. CLOSING OF DIPLOMATIC AND CONSULAR POSTS IN ANTIGUA AND BARBUDA.

22 USC 2656 note.

(a) PROHIBITION ON USE OF FUNDS.—None of the funds made available for the Department of State for any fiscal year may be used for the expenses of maintaining a United States diplomatic or consular post in Antigua and Barbuda.

(b) EFFECTIVE DATE.—The prohibition contained in subsection (a) shall take effect 60 days after the date of enactment of this Act unless the President determines that closing this post would not be in the national security interests of the United States and informs the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives of such determination.

President of U.S.

SEC. 124. REPORT ON EXPENDITURES MADE FROM APPROPRIATION FOR EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

22 USC 2680 note.

The Secretary of State shall provide to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 30 days after the end of

each quarter of the fiscal year a complete report, including amount, payee, and purpose, of all expenditures made from the appropriation for "Emergencies in the Diplomatic and Consular Service" for that quarter.

SEC. 125. REQUIREMENTS APPLICABLE TO GIFTS USED FOR REPRESENTATIONAL PURPOSES.

The last sentence of section 25(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2697(b)) is amended by inserting before the period the following: ", but shall not be expended for representational purposes at United States missions except in accordance with the conditions that apply to appropriated funds".

Gifts and property.

SEC. 126. PROTECTION OF HISTORIC AND ARTISTIC FURNISHINGS OF RECEPTION AREAS OF THE DEPARTMENT OF STATE BUILDING.

(a) PROTECTION AND DISPOSITION.—Title I of the State Department Basic Authorities Act of 1956, is amended—

22 USC 2651 note.

(1) by redesignating section 41 as section 42; and

(2) by inserting after section 40 the following new section:

22 USC 2713.

"SEC. 41. PROTECTION OF HISTORIC ~~AND ARTISTIC~~ FURNISHINGS OF RECEPTION AREAS OF THE DEPARTMENT OF STATE BUILDING.

"(a) IN GENERAL.—The Secretary of State shall administer the historic and artistic articles of furniture, fixtures, and decorative objects of the reception areas of the Department of State by such means and measures as conform to the purposes of the reception areas, which include conserving those articles, fixtures, and objects and providing for their enjoyment in such manner and by such means as will leave them for the use of the American people. Nothing shall be done under this subsection which conflicts with the administration of the Department of State or with the use of the reception areas for official purposes of the United States Government.

101 STAT. 1342

"(b) DISPOSITION OF HISTORIC AND ARTISTIC ITEMS.—

"(1) ITEMS COVERED.—Articles of furniture, fixtures, and decorative objects of the reception areas (and similar articles, fixtures, and objects acquired by the Secretary of State), when declared by the Secretary of State to be of historic or artistic interest, shall thereafter be considered to be the property of the Secretary in his or her official capacity and shall be subject to disposition solely in accordance with this subsection.

"(2) SALE OR TRADE.—Whenever the Secretary of State determines that—

"(A) any item covered by paragraph (1) is no longer needed for use or display in the reception areas, or

"(B) in order to upgrade the reception areas, a better use of that article would be its sale or exchange,

the Secretary may, with the advice and concurrence of the Director of the National Gallery of Art, sell the item at fair market value or trade it, without regard to the requirements of the Federal Property and Administrative Services Act of 1949. The proceeds of any such sale may be credited to the unconditional gift account of the Department of State, and items obtained in trade shall be the property of the Secretary of State under this subsection.

"(3) SMITHSONIAN INSTITUTION.—The Secretary of State may also lend items covered by paragraph (1), when not needed for use or display in the reception areas, to the Smithsonian Institution or a similar institution for care, repair, study, storage, or exhibition.

"(c) DEFINITION.—For purposes of this section, the term 'reception areas' means the areas of the Department of State Building, located at 2201 C Street, Northwest, Washington, District of Columbia,

known as the Diplomatic Reception Rooms (eighth floor), the Secretary of State's offices (seventh floor), the Deputy Secretary of State's offices (seventh floor), and the seventh floor reception area.".

(b) AUTHORITY TO INSURE CERTAIN HISTORIC AND ARTISTIC FURNISHINGS.—Section 3 of that Act (22 U.S.C. 2670) is amended—

(1) by striking out "and" at the end of paragraph (i);

(2) by striking out the period at the end of paragraph (j) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(k) subject to the availability of appropriated funds, obtain insurance on the historic and artistic articles of furniture, fixtures, and decorative objects which may from time-to-time be within the responsibility of the Fine Arts Committee of the Department of State for the Diplomatic Rooms of the Department.".

SEC. 127. INCLUSION OF COERCIVE POPULATION CONTROL INFORMATION IN ANNUAL HUMAN RIGHTS REPORT.

Abortion. Sterilization.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d))—

(A) by striking out "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization; and"; and

101 STAT. 1343

(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the first sentence "Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization.".

SEC. 128. LIMITATION ON THE USE OF A FOREIGN MISSION IN A MANNER INCOMPATIBLE WITH ITS STATUS AS A FOREIGN MISSION.

(a) AMENDMENT TO FOREIGN MISSIONS ACT.—The State Department Basic Authorities Act of 1956 is amended by adding at the end of title II (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") the following:

"SEC. 215. USE OF FOREIGN MISSION IN A MANNER INCOMPATIBLE WITH ITS STATUS AS A FOREIGN MISSION.

22 USC 4315.

"(a) ESTABLISHMENT OF LIMITATION ON CERTAIN USES.—A foreign mission may not allow an unaffiliated alien the use of any premise of that foreign mission which is inviolable under United States law (including any treaty) for any purpose which is incompatible with its status as a foreign mission, including use as a residence.

Aliens.

"(b) TEMPORARY LODGING.—For the purposes of this section, the term 'residence' does not include such temporary lodging as may be permitted under regulations issued by the Secretary.

"(c) WAIVER.—The Secretary may waive subsection (a) with respect to all foreign missions of a country (and may revoke such a waiver) 30 days after providing written notification of such a waiver, together with the reasons for such waiver (or revocation of such a waiver), to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Congress concerning the implementation of this section and shall submit such other reports to the Congress concerning changes in implementation as may be necessary.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) the term 'foreign mission' includes any international organization as defined in section 209(b); and

"(2) the term 'unaffiliated alien' means, with respect to a foreign country, an alien who—

"(A) is admitted to the United States as a nonimmigrant, and

"(B) is not a member, or a family member of a member, of a foreign mission of that foreign country.".

22 USC 4315 note.

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to any foreign mission beginning on the date of enactment of this Act.

Aliens.

(2)(A) The amendment made by subsection (a) shall apply beginning 6 months after the date of enactment of this Act with respect to any nonimmigrant alien who is using a foreign mission as a residence or a place of business on the date of enactment of this Act.

(B) The Secretary of State may delay the effective date provided for in subparagraph (A) for not more than 6 months with respect to any nonimmigrant alien if the Secretary finds that a hardship to that alien would result from the implementation of subsection (a).

101 STAT. 1344

SEC. 129. ALLOCATION OF SHARED COSTS AT MISSIONS ABROAD.

In order to provide for full reimbursement of shared administrative costs at United States missions abroad, the Secretary of State shall review, and revise if necessary, the allocation procedures under which agencies reimburse the Department of State for shared administrative costs at United States missions abroad. Within 3 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on such review and any revision.

Reports.

SEC. 130. PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

None of the funds authorized to be appropriated by this title may be obligated or expended for site acquisition, development, or construction of any new facility in Israel, Jerusalem, or the West Bank.

Real property.

SEC. 131. PURCHASING AND LEASING OF RESIDENCES.

It is the sense of the Congress that in its fiscal year 1989 budget presentations to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Department of State shall provide sufficient information on the advantages and disadvantages of purchasing rather than leasing residential properties to enable the Congress to determine the specific amount of savings that would or would not be achieved by purchasing such properties. The Department also shall make recommendations to the Congress on the purchasing and leasing of such properties.

Gifts and property.
Real property.
22 USC 2697 note.

SEC. 132. PROHIBITION ON ACQUISITION OF HOUSE FOR SECRETARY OF STATE.

The Department of State shall not solicit or receive funds for the construction, purchase, lease or rental of, nor any gift or bequest of real property or any other property for the purpose of providing living quarters for the Secretary of State.

22 USC 4301 note.

SEC. 133. UNITED STATES DEPARTMENT OF STATE FREEDOM OF EXPRESSION.

(a) FINDING.—Congress finds that the United States Department of State, on September 15, 1987, declared itself to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

(b) PROHIBITION.—It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.

SEC. 134. REPEAL OF OFFICE OF POLICY AND PROGRAM REVIEW.

(a) REPEAL.—Subsection (b) of section 413 of the Diplomatic Security Act (22 U.S.C. 4861(b)) is repealed.

(b) CONFORMING AMENDMENTS.—Section 413(a) of such Act (22 U.S.C. 4861(a)) is amended—

(1) by striking out "(a)" and all that follows through "STATE.—"; and

(2) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively.

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SEC. 135. STUDIES AND PLANNING FOR A CONSOLIDATED TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.

22 USC 4021 note.
99 Stat. 413.

Section 123(c)(1) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is amended—

(1) by inserting "(A)" immediately after "(1)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) Of the amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, the Secretary of State may transfer a total not to exceed $11,000,000 for 'Administration of Foreign Affairs' to the Administrator of General Services for carrying out feasibility studies, site preparation, and design, architectural, and engineering planning under subsection (b).".

SEC. 136. RESTRICTION ON SUPERVISION OF GOVERNMENT EMPLOYEES BY CHIEFS OF MISSION.

Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) in subsection (a)(1), by inserting "executive branch" after "Government";

(2) in subsection (a)(2), by inserting "executive branch" after "Government" the second place it appears; and

(3) in subsection (b), by inserting "executive branch" after "Any".

SEC. 137. STUDY AND REPORT CONCERNING THE STATUS OF INDIVIDUALS WITH DIPLOMATIC IMMUNITY IN THE UNITED STATES.

Insurance.

(a) STUDY.—The Secretary shall undertake a study of the minimum liability insurance coverage required for members of foreign missions and their families and the feasibility of requiring an increase in such minimum coverage. In conducting such study, the Secretary shall consult with members of the insurance industry, officials of State insurance regulatory bodies, and other experts, as appropriate. The study shall consider the following:

(1) The adequacy of the currently required insurance minimums, including the experiences of injured parties.

(2) The feasibility and projected cost of increasing the current minimum coverages to $1,000,000 or some lesser amount in the commercial insurance market, including consideration of individual umbrella policies to provide additional coverage above the current minimum.

(3) The feasibility and cost of requiring additional coverage up to $1,000,000 through a single group insurance arrangement, administered by the Department, providing umbrella coverage for the entire class of foreign officials who are immune from the jurisdiction of the United States.

(4) The consequences to United States missions abroad, including their costs of operation, that might reasonably be anticipated as a result of requiring an increase in the insurance costs of foreign missions in the United States.

(5) Any other issues and recommendations the Secretary may consider appropriate.

Law enforcement and crime.

(b) REPORT.—The Secretary shall compile a report to the Congress concerning the problem arising from diplomatic immunity from criminal prosecution and from civil suit. The report shall set forth the background of the various issues arising from the problem, the

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extent of the problem, an analysis of proposed and other potential measures to address the problem (including an analysis of the costs associated with and difficulties of implementing the various proposals), consider the potential and likely impact upon United States diplomatic personnel of actions in other nations that are comparable to such proposals, and make recommendations for addressing the problem with respect to the following:

(1) The collection of debts owed by foreign missions and members of such missions and their families to individuals and entities in the United States.

(2) A detailed catalog of incidents of serious criminal offenses by persons entitled to immunity under the Vienna Convention on Diplomatic Relations and other treaties to assist in developing an understanding of the extent of the problem.

(3) The feasibility of having the Department of State develop and periodically submit to the Congress a report concerning—

(A) serious criminal offenses committed in the United States by individuals entitled to immunity from the criminal jurisdiction of the United States; and

(B) delinquency in the payment of debts owed by foreign missions and members of such missions and their families to individuals and entities in the United States.

(4) Methods for improving the education of law enforcement officials on the extent of immunity provided to members of foreign missions and their families under the Vienna Convention on Diplomatic Relations and other treaties.

(5) Proposals to assure that law enforcement officials fully investigate, charge, and institute and maintain prosecution of members of foreign missions and their families to the extent consistent with the obligations of the United States under the Vienna Convention on Diplomatic Relations and other treaties.

(6) The extent to which existing practices regarding the circumstances under which diplomatic visas under section 101(a)(15)(A) of the Immigration and Nationality Act are issued and revoked are adequate to ensure the integrity of the diplomatic visa category.

(7) The extent to which current registration and documentation requirements fully and accurately identify individuals entitled to diplomatic immunity.

(8) The extent to which the Department of State is able to identify diplomats allegedly involved in serious crimes in the United States so as to initiate their removal from the United States and the extent to which existing law may be inadequate to prevent the subsequent readmission of such individuals under nonimmigrant and immigrant categories unrelated to section 101(a)(15)(A) of the Immigration and Nationality Act.

International organizations.

(9) A comparison of the procedures for the issuance of visas to diplomats from foreign nations to the United States and international organizations with the procedures accorded to United States diplomats to such nations and to international organizations in such nations, and recommendations to achieve reciprocity in such procedures.

(10)(A) A review of the definition of the term "family" under the Diplomatic Relations Act.

(B) An evaluation of the effect of amendments to the term "family" on the number of persons entitled to diplomatic immunity in the United States.

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(C) An evaluation of the potential effect of various amendments to the term "family" under the Diplomatic Relations Act on the number of serious criminal offenses committed in the United States by members of foreign missions and their families entitled to immunity from the criminal jurisdiction of the United States.

Drugs and drug abuse.
Arms and munitions.

(11) An examination of all possible measures to prevent the use of diplomatic pouches for the illicit transportation of narcotics, explosives, or weapons.

(12) An examination of the considerations in establishing a

fund for compensating the victims of crimes committed by persons entitled to immunity from criminal prosecution under the Vienna Convention on Diplomatic Relations and other treaties, including the feasibility of establishing an insurance fund financed by foreign missions.

(c) CONGRESS.—Not more than 90 days after the date of enactment of this Act, the findings and recommendations of the study under subsection (a) and the report under subsection (b) shall be submitted to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives.

SEC. 138. FEDERAL JURISDICTION OF DIRECT ACTIONS AGAINST INSURERS OF DIPLOMATIC AGENTS.

(a) PERIOD OF LIABILITY.—Section 1364 of title 28, United States Code, is amended by inserting after "who is" the following: ", or was at the time of the tortious act or omission,".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to the first tortious act or omission occurring after the date of enactment of this Act.

Effective date. 28 USC 1364 note.

SEC. 139. ENFORCEMENT OF CASE-ZABLOCKI ACT REQUIREMENTS.

(a) RESTRICTION ON USE OF FUNDS.—If any international agreement, whose text is required to be transmitted to the Congress pursuant to the first sentence of subsection (a) of section 112b of title 1, United States Code (commonly referred to as the "Case-Zablocki Act"), is not so transmitted within the 60-day period specified in that sentence, then no funds authorized to be appropriated by this or any other Act shall be available after the end of that 60-day period to implement that agreement until the text of that agreement has been so transmitted.

International agreements. 1 USC 112b note.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 60 days after the date of enactment of this Act and shall apply during fiscal years 1988 and 1989.

SEC. 140. ANNUAL COUNTRY REPORTS ON TERRORISM.

22 USC 2656f.

(a) REQUIREMENT OF ANNUAL COUNTRY REPORTS ON TERRORISM.—The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by March 31 of each year, a full and complete report providing—

(1) detailed assessments with respect to each foreign country—

(A) in which acts of international terrorism occurred which were, in the opinion of the Secretary, of major significance;

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(B) about which the Congress was notified during the preceding five years pursuant to section 6(j) of the Export Administration Act of 1979; and

(C) which the Secretary determines should be the subject of such report; and

(2) all relevant information about the activities during the preceding year of any terrorist group, and any umbrella group under which such terrorist group falls, known to be responsible for the kidnapping or death of an American citizen during the preceding five years, any terrorist group known to be financed by countries about which Congress was notified during the preceding year pursuant to section 6(j) of the Export Administration Act of 1979, and any other known international terrorist group which the Secretary determines should be the subject of such report.

(b) PROVISIONS TO BE INCLUDED IN REPORT.—The report required under subsection (a) should to the extent feasible include (but not be limited to)—

(1) with respect to subsection (a)(1)—

(A) a review of major counterterrorism efforts undertaken by countries which are the subject of such report, including, as appropriate, steps taken in international fora;

(B) the response of the judicial system of each country which is the subject of such report with respect to matters relating to terrorism affecting American citizens or facilities, or which have, in the opinion of the Secretary, a significant impact on United States counterterrorism efforts, including responses to extradition requests; and

(C) significant support, if any, for international terrorism by each country which is the subject of such report, including (but not limited to)—

(i) political and financial support;

(ii) diplomatic support through diplomatic recognition and use of the diplomatic pouch;

(iii) providing sanctuary to terrorists or terrorist groups; and

International organizations.

(iv) the positions (including voting records) on matters relating to terrorism in the General Assembly of the United Nations and other international bodies and fora of each country which is the subject of such report; and

(2) with respect to subsection (a)(2), any—

(A) significant financial support provided by foreign governments to those groups directly, or provided in support of their activities;

(B) provisions of significant military or paramilitary training or transfer of weapons by foreign governments to those groups;

(C) provision of diplomatic recognition or privileges by foreign governments to those groups; and

(D) provision by foreign governments of sanctuary from prosecution to these groups or their members responsible for the commission, attempt, or planning of an act of international terrorism.

(c) CLASSIFICATION OF REPORT.—The report required under subsection (a) shall, to the extent practicable, be submitted in an unclassified form and may be accompanied by a classified appendix.

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(d) DEFINITIONS.—As used in this section—

(1) the term "international terrorism" means terrorism involving citizens or the territory of more than 1 country;

(2) the term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; and

(3) the term "terrorist group" means any group practicing, or which has significant subgroups which practice, international terrorism.

(e) REPORTING PERIOD.—

(1) The report required under subsection (a) shall cover the events of the calendar year preceding the year in which the report is submitted.

(2) The report required by subsection (a) to be submitted by March 31, 1988, may be submitted no later than August 31, 1988.

SEC. 141. RESTRICTION ON USE OF FUNDS FOR PUBLIC DIPLOMACY EFFORTS.

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for the Department of State may be used by the Department of State to make any contract or purchase order agreement, on or after the date of enactment of this Act, with any individual, group, organization, partnership, corporation, or other entity for the purpose of—

District of Columbia.

(1) providing advice or assistance for any program for foreign representatives of any civic, labor, business, or humanitarian

group during any visit to Washington, District of Columbia, or any other location within the United States;

(2) providing contact with any refugee group or exile in Washington, District of Columbia, or elsewhere in the United States, including the arranging of any media event, interview, or public appearance; Refugees. District of Columbia.

(3) translating articles on regions of the world and making them available for distribution to United States news organizations or public interest groups;

(4) providing points of contact for public interest groups seeking to interview exiles, refugees, or other visitors; Refugees.

(5) coordinating or accompanying media visits to any region of the world;

(6) providing source material relating to regional conflicts for public diplomacy efforts;

(7) providing or presenting, in writing or orally, factual material on security considerations, refugee problems, or political dynamics of any region of the world for use on public diplomacy efforts; Refugees.

(8) editing briefs or other materials for use on public diplomacy efforts;

(9) conducting special studies or projects for use on public diplomacy efforts;

(10) designing or organizing a distribution system for materials for use on public diplomacy efforts; or

(11) directing the operation of this distribution system, including—

(A) development of specialized, segmented addressee lists of persons or organizations which have solicited materials or information on any region of the world; Mail. 101 STAT. 1350

(B) computerization, coding, maintenance, or updating of lists;

(C) retrieval, storage, mailing, or shipping of individual or bulk packets of publications;

(D) maintenance or control of inventory or reserve stocks of materials;

(E) distribution of materials;

(F) coordinating publication production; or

(G) conducting systematic evaluations of the system.

(b) EXCEPTIONS.— Contracts.

(1) Subsection (a) does not apply to any contract or purchase order agreement made, after competitive bidding, by or for the Bureau of Public Affairs of the Department of State.

(2) During fiscal years 1988 and 1989, a contract related to advocacy and policy positions may be entered into by or on behalf of the Department of State if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified not less than 15 days in advance of the proposed contract.

(c) LIMITATION ON USE OF FUNDS.—Of the funds authorized to be appropriated by this or any other Act, not more than $389,000 may be used in any fiscal year to finance the activities set forth in subsection (a).

SEC. 142. AUTHORITY TO INVEST AND RECOVER EXPENSES FROM INTERNATIONAL CLAIMS SETTLEMENT FUNDS.

(a) INVESTMENT AUTHORITY.—Section 8 of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) is amended by adding at the end thereof the following new subsection: 22 USC 1627.

"(g) The Secretary of the Treasury is authorized and directed to invest the amounts held respectively in the 'special funds' established by this section in public debt securities with maturities suitable for the needs of the separate accounts and bearing interest at rates determined by the Secretary, taking into consideration the average market yield on outstanding marketable obligations of the Securities.

United States of comparable maturities. The interest earned on the amounts in each special fund shall be used to make payments, in accordance with subsection (c), on awards payable from that special fund.".

(b) AUTHORITY TO ACCEPT REIMBURSEMENTS.—The Department of State Appropriation Act of 1937 (49 Stat. 1321; 22 U.S.C. 2661) is amended under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by inserting after the fourth undesignated paragraph the following new paragraph:

"The Secretary of State is authorized to accept reimbursement from corporations, firms, and individuals for the expenses of travel, translation, printing, special experts, and other extraordinary expenses incurred in pursuing a claim on their behalf against a foreign government or other foreign entity. Such reimbursements shall be credited to the appropriation account against which the expense was initially charged.".

101 STAT. 1351

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 151. UNITED STATES-SOVIET EMBASSY AGREEMENT: PROHIBITION ON USE OF MT. ALTO SITE.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Union of Soviet Socialist Republics has intentionally and substantially violated international agreements with the United States concerning the establishment and operation of the new United States Embassy complex in Moscow by significantly delaying progress and by constructing the premises of that Embassy so as to compromise the security of United States operations, thus rendering the premises unuseable for the primary purpose intended under those agreements;

(2) the Soviet Government's actions constitute a material violation of international law and a substantial default in performance under the contract for construction of the new United States Embassy complex, and the United States is entitled to claim appropriate compensation;

(3) due to actions of the Government of the Union of Soviet Socialist Republics, United States Government personnel cannot pursue their official duties in confidence, as the national security and diplomatic relations of the United States requires, within the new United States Embassy being constructed in Moscow;

(4) the Government of the Union of Soviet Socialist Republics has similarly taken steps to impair the full and proper use of the present United States Embassy in Moscow, to the detriment of the national security of the United States and its ability to conduct diplomatic relations;

(5) as a result of the substantial violations by the Soviet Union of these international agreements with the United States and other Soviet violations of international law, the United States is entitled to terminate, in whole or in part, those agreements;

District of Columbia.

(6) termination of such agreements may include withdrawal of rights and privileges otherwise granted to the Soviet Union concerning the establishment of a new Soviet Embassy complex in Washington, District of Columbia;

(7) the location of the new Soviet Embassy on Mount Alto creates serious concerns with respect to electronic surveillance and potential damage to the national security of the United States; and

(8) to protect the national security of the United States, therefore, the United States should exercise its right to terminate the Embassy agreements in view of the substantial and

intentional Soviet breaches thereof, unless the threat to the national security posed by adherence to those agreements can be overcome.

(b) WITHDRAWAL FROM EMBASSY AGREEMENT.—The United States shall withdraw from the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings unless the President makes the determinations and waiver under subsection (c). President of U.S. 101 STAT. 1352

(c) WAIVER.—

(1) PRESIDENTIAL DETERMINATIONS REQUIRED.—The President may waive subsection (b) if he determines that—

(A) it is vital to the national security of the United States that the United States not withdraw from the agreement (and related agreements, notes, and understandings) referred to in subsection (b);

(B) steps have been or will be taken that will ensure that the new chancery building to be occupied by the United States Embassy in Moscow can be safely and securely used for its intended purposes; and

(C) steps have been or will be taken to eliminate, no later than 2 years after the date of enactment of this Act, the damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto.

(2) WHEN DETERMINATIONS MAY BE MADE.—The President may not make the determination and waiver permitted by paragraph (1) before the end of the 6-month period beginning on the date of enactment of this Act. President of U.S.

(3) REPORT TO CONGRESS.—The waiver permitted by paragraph (1) shall not be effective until 30 days after the determinations and waiver are reported to the Congress. Any such report shall include—

(A) a detailed justification for each of the determinations;

(B) an assessment of the impact on national security of the removal of the Soviet Embassy from Mt. Alto; and

(C) specify the steps that have been or will be taken to achieve the requirements of paragraphs (1) (B) and (C).

(4) NONDELEGATABILITY.—The President may not delegate the responsibility for making the determination and waiver permitted by paragraph (1). President of U.S.

(d) NOTIFICATION OF UNAVAILABILITY OF MOUNT ALTO.—If the President does not waive subsection (b), the Secretary of State shall notify the Government of the Union of Soviet Socialist Republics that the Mount Alto site will cease to be available to that Government for any purpose as of the date which is 1 year and 10 days after the earliest date on which the President could make the waiver under subsection (c).

(e) PROHIBITION ON FUTURE USE OF MOUNT ALTO SITE BY FOREIGN MISSIONS.—If subsection (b) takes effect, the Mount Alto site may not be made available for use thereafter by a foreign mission for any purpose.

SEC. 152. RECOVERY OF DAMAGES INCURRED AS A RESULT OF SOVIET INTELLIGENCE ACTIVITIES DIRECTED AT THE NEW UNITED STATES EMBASSY IN MOSCOW.

It is the sense of the Congress that the arbitration process between the United States and the Union of Soviet Socialist Republics, which is currently under way with respect to damages arising from delays in the construction of the new United States Embassy in Moscow, should include Soviet reimbursement of the full costs incurred by the United States as a result of the intelligence activities of the Soviet Union directed at the new United States Embassy in Moscow.

22 USC 4301 note.

SEC. 153. UNITED STATES-SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES.

101 STAT. 1353

(a) REQUIREMENT FOR RECIPROCITY IN CERTAIN MATTERS.—The Secretary of State shall exercise the authority granted in title II of the State Department Basic Authorities Act of 1956 (relating to foreign missions) to obtain the full cooperation of the Soviet Government in achieving the following objectives by October 1, 1989:

(1) FINANCE.—United States diplomatic and consular posts in the Soviet Union not pay more than fair value for goods or services as a result of the Soviet Government's control over Soviet currency valuation and over the pricing of goods and services.

Utilities.

(2) ACCESS TO GOODS AND SERVICES.—United States diplomatic and consular posts in the Soviet Union have full access to goods and services, including utilities.

(3) REAL PROPERTY.—The real property used for office purposes, the real property used for residential purposes, and the real property used for all other purposes by United States diplomatic and consular posts in the Soviet Union is comparable in terms of quantity and quality to the real property used for each of those purposes by diplomatic and consular posts of the Soviet mission to the United States.

(b) SOVIET CONSULATES IN THE UNITED STATES.—The Secretary of State shall not allow the Soviet mission to the United States to occupy any new consulate in the United States until the United States mission in Kiev is able to occupy secure permanent facilities.

(c) SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall provide to the Secretary of State such assistance with respect to the implementation of paragraph (1) of subsection (a) as the Secretary of State may request.

(d) REPORTS TO CONGRESS.—Not later than 60 days after the date of enactment of this Act and annually thereafter, the Secretary of State shall submit to the Congress a report setting forth the actions taken and planned to be taken in carrying out subsection (a).

(e) DEFINITION OF BENEFIT.—Paragraph (1) of section 202(a) of title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(1); commonly referred to as the Foreign Missions Act) is amended—

(1) by striking out "and" at the end of subparagraph (E);

(2) in subparagraph (F), by inserting "and" after "services,"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) financial and currency exchange services,".

SEC. 154. REPORT ON PERSONNEL OF SOVIET STATE TRADING ENTERPRISES.

Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report discussing whether the number of personnel of Soviet state trading enterprises in the United States should be reduced.

22 USC 4802 note.

SEC. 155. PERSONNEL SECURITY PROGRAM FOR EMBASSIES IN HIGH INTELLIGENCE THREAT COUNTRIES.

(a) SPECIAL SECURITY PROGRAM.—The Secretary of State shall develop and implement, within three months after the date of

101 STAT. 1354

enactment of this Act, a special personnel security program for personnel of the Department of State assigned to United States diplomatic and consular posts in high intelligence threat countries who are responsible for security at those posts and for any individuals performing guard functions at those posts. Such program shall include—

(1) selection criteria and screening to ensure suitability for assignment to high intelligence threat countries;

(2) counterintelligence awareness and related training;

(3) security reporting and command arrangements designed to counter intelligence threats; and

(4) length of duty criteria and policies regarding rest and recuperative absences.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this subsection, the Secretary of State shall report to the Congress on the special personnel security program required by subsection (a).

(c) DEFINITION.—As used in subsection (a), the term "high intelligence threat country" means—

(1) a country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961; and

(2) any other country designated as a high intelligence threat country for purposes of this section by the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, or the Director of the Federal Bureau of Investigation.

SEC. 156. ACCOUNTABILITY REVIEW BOARDS.

(a) ESTABLISHMENT OF A BOARD.—Section 301 of the Diplomatic Security Act (22 U.S.C. 4831) is amended—

(1) by inserting ", and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad," after "mission abroad"; and

(2) by inserting after the first sentence thereof the following new sentence: "With respect to breaches of security involving intelligence activities, the Secretary of State may delay establishing an Accountability Review Board if, after consultation with the Chairman of the Select Committee on Intelligence of the Senate and the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that doing so would compromise intelligence sources and methods. The Secretary shall promptly advise the Chairmen of such committees of each determination pursuant to this section to delay the establishment of an Accountability Review Board.".

(b) BOARD FINDINGS.—Section 304(a) of that Act (22 U.S.C. 4834(a)) is amended by inserting "or surrounding the serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad (as the case may be)" after "mission abroad" the first place it appears.

SEC. 157. PROHIBITION ON CERTAIN EMPLOYMENT AT UNITED STATES DIPLOMATIC AND CONSULAR MISSIONS IN COMMUNIST COUNTRIES.

22 USC 3943 note.

(a) PROHIBITION.—After September 30, 1990, no national of a Communist country may be employed as a foreign national employee in any area of a United States diplomatic or consular facility in any Communist country where classified materials are maintained.

Classified information.

101 STAT. 1355

(b) DEFINITION.—As used in this section, the term "Communist country" means a country listed in section 620(f) of the Foreign Assistance Act of 1961.

(c) ADDITIONAL FUNDS FOR HIRING UNITED STATES CITIZENS.—The Congress expresses its willingness to provide additional funds to the Department of State for the expenses of employing United States nationals to replace the individuals dismissed by reason of subsection (a).

(d) REPORT AND REQUEST FOR FUNDS.—As a part of the Department of State's authorization request for fiscal years 1990 and 1991, the Secretary of State, in consultation with the heads of all relevant agencies, shall submit—

(1) a report, which shall include—

(A) a feasibility study of the implementation of this section; and

(B) an analysis of the impact of the implementation of this section on the budget of the Department of State; and

(2) a request for funds necessary for the implementation of this section pursuant to the findings and conclusions specified in the report under paragraph (1).

President of U.S. (e) WAIVER.—The President may waive this section—

(1) if funds are not specifically authorized and appropriated to carry out this section; or

(2) the President determines that it is in the national security interest of the United States to continue to employ foreign service nationals.

President of U.S. The President shall notify the appropriate committees of Congress each time he makes the waiver conferred on him by this section.

22 USC 4041 note

SEC. 158. TERMINATION OF RETIREMENT BENEFITS FOR FOREIGN NATIONAL EMPLOYEES ENGAGING IN HOSTILE INTELLIGENCE ACTIVITIES.

(a) TERMINATION.—The Secretary of State shall exercise the authorities available to him to ensure that the United States does not provide, directly or indirectly, any retirement benefits of any kind to any present or former foreign national employee of a United States diplomatic or consular post against whom the Secretary has convincing evidence that such employee has engaged in intelligence activities directed against the United States. To the extent practicable, the Secretary shall provide due process in implementing this section.

(b) WAIVER.—The Secretary of State may waive the applicability of subsection (a) on a case-by-case basis with respect to an employee if he determines that it is vital to the national security of the United States to do so and he reports such waiver to the appropriate committees of the Congress.

SEC. 159. REPORT ON EMPLOYMENT OF FOREIGN NATIONALS AT FOREIGN SERVICE POSTS ABROAD.

Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Agriculture, the Director of Central Intelligence, the Director of the United States Information Agency, and the Director of the Peace Corps, shall submit to the Congress a report discussing the advisability of employing foreign nationals at foreign service posts abroad (including their access to automatic data processing systems and networks).

101 STAT. 1356

22 USC 4851 note

SEC. 160. CONSTRUCTION SECURITY CERTIFICATION.

Classified information

(a) CERTIFICATION.—Before undertaking any new construction or major renovation project in any foreign facility intended for the storage of classified materials or the conduct of classified activities, the Secretary of State, after consultation with the Director of Central Intelligence, shall certify to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(1) appropriate and adequate steps have been taken to ensure the security of the construction project (including an evaluation of how all security-related factors with respect to such project are being addressed); and

(2) the facility resulting from such project incorporates—

(A) adequate measures for protecting classified information and national security-related activities; and

(B) adequate protection for the personnel working in the diplomatic facility.

(b) AVAILABILITY OF DOCUMENTATION.—All documentation with respect to a certification referred to in subsection (a) and any dissenting views thereto shall be available, in an appropriately classified form, to the Chairman of the Committee on Foreign Affairs of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

(c) DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall provide to the Secretary of State such assistance

with respect to the implementation of this section as the Secretary of State may request.

(d) DISSENTING VIEWS.—If the Director of Central Intelligence disagrees with the Secretary of State with respect to any project certification made pursuant to subsection (a), the Director shall submit in writing disagreeing views to the Secretary of State.

SEC. 161. PROTECTION FROM FUTURE HOSTILE INTELLIGENCE ACTIVITIES IN THE UNITED STATES.

Real property. Communications and telecommunications.

Section 205 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4305) is amended by adding at the end the following:

"(d)(1) After the date of enactment of this subsection, real property in the United States may not be acquired (by sale, lease, or other means) by or on behalf of the foreign mission of a foreign country described in paragraph (4) if, in the judgment of the Secretary of Defense (after consultation with the Secretary of State), the acquisition of that property might substantially improve the capability of that country to intercept communications involving United States Government diplomatic, military, or intelligence matters.

"(2) After the date of enactment of this subsection, real property in the United States may not be acquired (by sale, lease, or other means) by or on behalf of the foreign mission of a foreign country described in paragraph (4) if, in the judgment of the Director of the Federal Bureau of Investigation (after consultation with the Secretary of State), the acquisition of that property might substantially improve the capability of that country to engage in intelligence activities directed against the United States Government, other than the intelligence activities described in paragraph (1).

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"(3) The Secretary of State shall inform the Secretary of Defense and the Director of the Federal Bureau of Investigation immediately upon notice being given pursuant to subsection (a) of this section of a proposed acquisition of real property by or on behalf of the foreign mission of a foreign country described in paragraph (4).

"(4) For the purposes of this subsection, the term 'foreign country' means—

"(A) any country listed as a Communist country in section 620(f) of the Foreign Assistance Act of 1961;

"(B) any country determined by the Secretary of State, for purposes of section 6(j) of the Export Administration Act of 1979, to be a country which has repeatedly provided support for acts of international terrorism; and

"(C) any other country which engages in intelligence activities in the United States which are adverse to the national security interests of the United States.

"(5) As used in this section, the term 'substantially improve' shall not be construed to prevent the establishment of a foreign mission by a country which, on the date of enactment of this section—

"(A) does not have a mission in the United States, or

"(B) with respect to a city in the United States, did not maintain a mission in that city.".

SEC. 162. APPLICATION OF TRAVEL RESTRICTIONS TO PERSONNEL OF CERTAIN COUNTRIES AND ORGANIZATIONS.

(a) AMENDMENT TO FOREIGN MISSIONS ACT.—Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.) as amended by section 128 is further amended by adding at the end the following new section:

"SEC. 216. APPLICATION OF TRAVEL RESTRICTIONS TO PERSONNEL OF CERTAIN COUNTRIES AND ORGANIZATIONS. 22 USC 4316.

"(a) REQUIREMENT FOR RESTRICTIONS.—The Secretary shall apply the same generally applicable restrictions to the travel while in the United States of the individuals described in subsection (b) as are applied under this title to the members of the missions of the Soviet Union in the United States.

"(b) INDIVIDUALS SUBJECT TO RESTRICTIONS.—The restrictions required by subsection (a) shall be applied with respect to those individuals who (as determined by the Secretary) are—

"(1) the personnel of an international organization, if the individual is a national of any foreign country whose government engages in intelligence activities in the United States that are harmful to the national security of the United States;

"(2) the personnel of a mission to an international organization, if that mission is the mission of a foreign government that engages in intelligence activities in the United States that are harmful to the national security of the United States; or

"(3) the family members or dependents of an individual described in paragraphs (1) and (2);

and who are not nationals or permanent resident aliens of the United States.

"(c) WAIVERS.—The Secretary, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, may waive application of the restrictions required by subsection (a) if the Secretary determines that the national security and foreign policy interests of the United States so require.

101 STAT. 1358

"(d) REPORTS.—The Secretary shall transmit to the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate, and to the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives, not later than six months after the date of enactment of this section and not later than every six months thereafter, a report on the actions taken by the Secretary in carrying out this section during the previous six months.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'generally applicable restrictions' means any limitations on the radius within which unrestricted travel is permitted and obtaining travel services through the auspices of the Office of Foreign Missions for travel elsewhere, and does not include any restrictions which unconditionally prohibit the members of missions of the Soviet Union in the United States from traveling to designated areas of the United States and which are applied as a result of particular factors in relations between the United States and the Soviet Union.

"(2) the term 'international organization' means an organization described in section 209(b)(1); and

"(3) the term 'personnel' includes—

"(A) officers, employees, and any other staff member, and

"(B) any individual who is retained under contract or other arrangement to serve functions similar to those of an officer, employee, or other staff member.".

22 USC 4316 note

(b) EFFECTIVE DATE.—Subsection (a) of the section enacted by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 163. COUNTERINTELLIGENCE POLYGRAPH SCREENING OF DIPLOMATIC SECURITY SERVICE PERSONNEL.

(a) IMPLEMENTATION OF PROGRAM.—Under the regulations issued pursuant to subsection (b), the Secretary of State shall implement a program of counterintelligence polygraph examinations for members of the Diplomatic Security Service (established pursuant to title II of the Diplomatic Security Act) during fiscal years 1988 and 1989.

(b) REGULATIONS.—The Secretary of State shall issue regulations to govern the program required by subsection (a). Such regulations shall provide that the scope of the examinations under such program, the conduct of such examinations, and the rights of individuals subject to such examinations shall be the same as those under the counterintelligence polygraph program conducted pursuant to section 1221 of the Department of Defense Authorization Act, 1986 (Public Law 99-145).

SEC. 164. UNITED STATES EMBASSY IN HUNGARY.

(a) FINDINGS.—The Congress finds that—

(1) the full implementation of the security program of a United States diplomatic mission to a Communist country cannot be accomplished if employees of that mission who are citizens of the host country are present in the same facilities where diplomatic and consular activities of a sensitive nature are performed;

(2) the facilities currently housing the offices of the United States diplomatic mission to Hungary are totally inadequate for the proper conduct of United States diplomatic activities, and unnecessarily expose United States personnel and their activities to the scrutiny of the intelligence services of the Government of Hungary; 101 STAT. 1359

(3) the presence of local citizens in a facility where sensitive activities are performed, as well as their access to certain unclassified administrative information, greatly enhances the ability of the host government's intelligence services to restrict our diplomatic activities in that country;

(4) since the United States Government owns a substantial amount of property in Budapest, it is in a unique position to build new facilities which will substantially enhance the security of the United States diplomatic mission to Hungary; and

(5) units such as the Navy Construction Battalion are uniquely qualified to construct such facilities in an eastern bloc country.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that— International agreements.

(1) the Department of State should proceed in a timely fashion to negotiate an agreement with the Government of Hungary to allow for the construction of new chancery facilities in Budapest which would totally segregate sensitive activities from those of an unclassified and public-oriented character; and

(2) any such agreement should ensure that the United States Government will have the right to employ only American construction personnel and materials and will have complete control over access to the chancery site from the inception of construction.

PART D—PERSONNEL MATTERS

Government organization and employees.

SEC. 171. COMMISSION TO STUDY FOREIGN SERVICE PERSONNEL SYSTEM.

In consultation with the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs and the Committee on Post Office and Civil Service of the House of Representatives, and the exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980), the Secretary shall appoint a commission of five distinguished members, at least four of whom shall have a minimum of ten years experience in personnel management. The Commission shall conduct a study of the Foreign Service personnel system, with a view toward developing a system that provides adequate career stability to the members of the Service. Not more than 1 year after the date of enactment of this Act, the Commission shall transmit its report and recommendations to the Secretary of State, the Chairman of the Committee on Foreign Relations of the Senate, the Chairman of the Committee on Foreign Affairs of the House of Representatives, and the Chairman of the Committee on Post Office and Civil Service of the House of Representatives. Reports.

SEC. 172. PROTECTION OF CIVIL SERVICE EMPLOYEES. 22 USC 2664a.

(a) FINDINGS.—The Congress finds that—

(1) the effectiveness and efficiency of the Department of State is dependent not only on the contribution of Foreign Service employees but equally on the contribution of the 42 percent of the Department's employees who are employed under the Civil Service personnel system;

(2) the contribution of these Civil Service employees has been overlooked in the management of the Department and greater
101 STAT. 1360 equality of promotion, training, and career enhancement opportunities should be accorded to the Civil Service employees of the Department; and

(3) a goal of the Foreign Service Act of 1980 was to strengthen the contribution made by Civil Service employees of the Department of State by creating a cadre of experienced specialists and managers in the Department to provide essential continuity.

(b) EQUITABLE REDUCTION OF BUDGET.—The Secretary of State shall take all appropriate steps to assure that the burden of cuts in the budget for the Department is not imposed disproportionately or inequitably upon its Civil Service employees.

(c) ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR CIVIL SERVICE EMPLOYEES.—There is established in the Office of the Secretary of State the position of Ombudsman for Civil Service Employees. The position of Ombudsman for Civil Service Employees shall be a career reserved position within the Senior Executive Service. The Ombudsman for Civil Service Employees shall report directly to the Secretary of State and shall have the right to participate in all Management Council meetings to assure that the ability of the Civil Service employees to contribute to the achievement of the Department's mandated responsibilities and the career interests of those employees are adequately represented. The position of Ombudsman for Civil Service Employees shall be designated from one of the Senior Executive Service positions (as defined in section 3132(a)(2) of title 5, United States Code) in existence on the date of enactment of this Act.

(d) DEFINITION.—For purposes of this section, the term "Civil Service employees" means employees of the Federal Government except for members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980).

SEC. 173. COMPENSATION FOR CERTAIN STATE DEPARTMENT OFFICIALS.

(a) PAY LEVELS.—The State Department Basic Authorities Act of 1956 is amended—

22 USC 2707. (1) in section 35(b) (22 U.S.C. 2706(b)) by inserting after the second sentence the following new sentence: "The Coordinator shall be compensated at the annual rate of pay for positions authorized by section 5315 of title 5, United States Code."; and

(2) in section 203(a) (22 U.S.C. 4303(a)) by inserting at the end "The Director shall be compensated at the annual rate of pay for positions authorized by section 5315 of title 5, United States Code.".

22 USC 2707 note. (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 30 days after the date of enactment of this Act.

(c) BUDGET ACT.—Any new spending authority (as defined in section 401(c) of the Congressional Budget Act of 1974) provided by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 174. AUDIT OF MERIT PERSONNEL SYSTEM OF FOREIGN SERVICE.

Reports. Discrimination, prohibition. The Comptroller General of the United States shall conduct an audit and inspection of the operation of the merit personnel system in the Foreign Service and report to the Congress, not later than one year after the date of enactment of this Act, as to any improvements in the merit personnel system that the Comptroller General considers necessary. The report of the Comptroller General shall pay
101 STAT. 1361 particular attention to reports of racial, ethnic, sexual, and other discriminatory practices in the recruitment, appointment, assignment, and promotion of Foreign Service employees.

22 USC 3965 note. SEC. 175. PERFORMANCE PAY.

(a) REVIEW OF PERFORMANCE PAY PROGRAMS.—

(1) SUSPENSION OF AWARDS DURING REVIEW.—During the period beginning on the date of enactment of this Act, and

ending on the date on which the Inspector General of the Department of State reports to the Congress pursuant to paragraph (2), performance pay may not be awarded under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) to any member of the Senior Foreign Service in the Department of State.

(2) REVIEW BY INSPECTOR GENERAL.—The Inspector General of the Department of State shall conduct a complete and thorough review of—

(A) the procedures in the Department of State under which performance pay recipients are chosen to determine whether the procedures and award determinations are free from bias and reflect fair standards; and

(B) the adequacy of the criteria and the equity of the criteria actually applied in making those awards.

The review should be conducted in accordance with generally accepted Government auditing standards. The Inspector General shall report the results of this review to the Secretary of State and to the Congress no later than May 1, 1988.

(3) REPORT BY SECRETARY OF STATE.—No later than 60 days after the report of the Inspector General is submitted to the Secretary of State under paragraph (2), the Secretary shall submit to the Congress a report containing the comments of the Secretary on the report of the Inspector General and describing the actions taken and proposed to be taken by the Secretary as a result of the report.

(b) CARRY-OVER OF SENIOR FOREIGN SERVICE PERFORMANCE PAY.—Section 405(b) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)) is amended—

(1) in paragraph (4), by inserting at the end thereof the following: "Any amount which is not paid to a member of the Senior Foreign Service during a fiscal year because of this limitation shall be paid to that individual in a lump sum at the beginning of the following fiscal year. Any amount paid under this authority during a fiscal year shall be taken into account for purposes of applying the limitation in the first sentence of this subparagraph with respect to such fiscal year."; and

(2) by adding at the end thereof the following:

"(5) The Secretary of State shall prescribe regulations, consistent with section 5582 of title 5, United States Code, under which payment under this section shall be made in the case of any individual whose death precludes payment under paragraph (4) of this subsection.".

SEC. 176. EXTENSION OF LIMITED APPOINTMENTS.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) by striking out "section 311(a)" and inserting in lieu thereof "subsection (b)";

(2) by inserting "(a)" after "LIMITED APPOINTMENTS.—"; and 101 STAT. 1362

(3) by adding at the end the following new subsection:

"(b) A limited appointment may be extended for continued service—

"(1) as a consular agent;

"(2) in accordance with section 311(a);

"(3) as a career candidate, if continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under chapter 11; and

"(4) as a career employee in another Federal personnel system serving in a Foreign Service position on detail from another agency.".

SEC. 177. CHIEF OF MISSIONS SALARY.

(a) LIMITATION ON COMPENSATION.—Section 401(a) of the Foreign Service Act of 1980 (22 U.S.C. 3961(a)) is amended—

(1) by striking out "Except as provided in section 302(b), each" and inserting in lieu thereof "Each"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", except that the total compensation, exclusive of danger pay, for any chief of mission shall not exceed the annual rate payable for level II of such Executive Schedule.

(b) SALARY.—Section 302(b) of such Act (22 U.S.C. 3942(b)) is amended by striking out "may elect to continue to receive" and all that follows and inserting in lieu thereof "shall receive the salary and leave (if any) of the position to which the member is appointed by the President and shall not be eligible for performance pay under chapter 4 of this Act.".

22 USC 3942 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall not apply to the salary of any individual serving under a Presidential appointment under section 302 of the Foreign Service Act of 1980 immediately before the date of the enactment of this Act during the period such individual continues to serve in such position.

SEC. 178. PAY LEVEL OF AMBASSADORS AT LARGE.

(a) COMPENSATION.—Chapter 53 of title 5 of the United States Code is amended—

(1) in section 5313, by striking out "Ambassadors at Large.", and

(2) in section 5315, by adding at the end thereof the following: "Ambassadors at Large.".

22 USC 5313 note.

(b) EFFECTIVE DATE AND LIMITATION.—The amendments made by subsection (a) shall take effect 30 days after the date of enactment of this Act and shall not affect the salary of any individual holding the rank of Ambassador at Large immediately before the date of enactment of this Act during the period such individual continues to serve in such position.

SEC. 179. FOREIGN SERVICE CAREER CANDIDATES TAX TREATMENT.

District of Columbia.

(a) REPRESENTATION TO TAX AUTHORITIES.—Section 301(d)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3941(d)(3)) is amended by adding at the end thereof "Foreign Service employees serving as career candidates or career members of the Service shall not represent to the income tax authorities of the District of Columbia or any other State or locality that they are exempt from income taxation on the basis of holding a Presidential appointment subject to Senate confirmation or that they are exempt on the basis of serving in an appointment whose tenure is at the pleasure of the President.".

101 STAT. 1363

22 USC 3941 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to tax years beginning after December 31, 1987.

Labor disputes.

SEC. 180. PROHIBITION ON MEMBER OF A FOREIGN SERVICE UNION NEGOTIATING ON BEHALF OF THE DEPARTMENT OF STATE.

It is the sense of Congress that the Secretary of State should take steps to assure that in labor-management negotiations between the Department of State and the exclusive representative of the Foreign Service employees of the Department, those who direct and conduct negotiations on behalf of management are not also beneficiaries of the agreements made with the exclusive representative.

SEC. 181. CLARIFICATION OF JURISDICTION OF FOREIGN SERVICE GRIEVANCE BOARD.

(a) BOARD DECISIONS.—Section 1107(d) of the Foreign Service Act of 1980 (22 U.S.C. 4137(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A recommendation under paragraph (1) shall, for purposes of section 1110 of this Act, be considered a final action upon the expiration of the 30-day period referred to in such paragraph, except to the extent that it is rejected by the Secretary by an appropriate written decision.

"(3)(A) If the Secretary makes a written decision under paragraph (1) rejecting a recommendation in whole or in part on the basis of a determination that implementing such recommendation would be contrary to law, the Secretary shall, within the 30-day period referred to in such paragraph—

"(i) submit a copy of such decision to the Board; and

"(ii) request that the Board reconsider its recommendation or, if less than the entirety is rejected, that the Board reconsider the portion rejected.

"(B)(i) Within 30 days after receiving a request under subparagraph (A), the Board shall, after reviewing the Secretary's decision, make a recommendation to the Secretary either confirming, modifying, or vacating its original recommendation or, if less than the entirety was rejected, the portion involved.

"(ii) Reconsideration under this subparagraph shall be limited to the question of whether implementing the Board's original recommendation, either in whole or in part, as applicable, would be contrary to law.

"(C) A recommendation made under subparagraph (B) shall be considered a final action for purposes of section 1110 of this Act, and shall be implemented by the Secretary.".

(b) BOARD RECOMMENDATIONS.—The first sentence of section 1107(d)(1) of such Act (as amended by subsection (a) of this section) is amended by inserting ", tenure" immediately after "relates directly to promotion".

(c) CAREER APPOINTMENTS.—Section 306 of such Act (22 U.S.C. 3946) is amended by adding at the end thereof the following new subsection:

"(c) Nothing in this section shall be construed to limit the authority of the Secretary or the Foreign Service Grievance Board under section 1107 of this Act.".

101 STAT. 1364

(d) SEPARATION FOR CAUSE.—Section 610(a)(2) of such Act (22 U.S.C. 4010(a)(2)) is amended by adding after the first sentence the following new sentence: "If such cause is not established at such hearing, the Grievance Board shall have the authority to direct the Department to pay reasonable attorneys fees to the extent and in the manner provided by section 1107(b)(5) of this Act.".

(e) APPLICATION.—The amendments made by this section shall not apply with respect to any grievance in which the Board has issued a final decision pursuant to section 1107 of the Foreign Service Act of 1980 (22 U.S.C. 4137) before the date of enactment of this Act.

22 USC 3946 note.

SEC. 182. RECORD OF GRIEVANCES AWARDED.

Section 1107 of the Foreign Service Act of 1980 (22 U.S.C. 4137) is hereby amended by adding the following new subsection:

"(e)(1) The Board shall maintain records of all grievances awarded in favor of the grievant in which the grievance concerns gross misconduct by a supervisor. Subject to paragraph (2), the Committee on Foreign Relations of the Senate shall be provided with a copy of the grievance decision whenever such a supervisor is nominated for any position requiring the advice and consent of the Senate and the Board shall provide access to the entire record of any proceedings of the Board concerning such a grievance decision to any Member of the Committee on Foreign Relations upon a request by the Chairman or Ranking Minority Member of such committee.

"(2)(A) Except as provided in subparagraph (B), all decisions, proceedings, and other records disclosed pursuant to paragraph (1) shall be treated as confidential and may be disclosed only to Committee members and appropriate staff.

Classified information.

"(B) Whenever material is provided to the Committee or a Member thereof pursuant to paragraph (1), the Board shall, at the same time, provide a copy of all such material to the supervisor who is the subject of such material.

"(C) A supervisor who is the subject of records disclosed to the committee pursuant to this subsection shall have the right to review

such record and provide comments to the Committee concerning such record. Such comments shall be treated in a confidential manner.".

22 USC 3922a note.

SEC. 183. WOMEN AND MINORITIES IN THE FOREIGN SERVICE.

(a) FINDINGS.—The Congress finds that the Department of State and other Foreign Service agencies have not been successful in their efforts—

(1) to recruit and retain members of minority groups in order to increase significantly the number of members of minority groups in the Foreign Service; and

(2) to provide adequate career advancement for women and members of minority groups in order to increase significantly the numbers of women and members of minority groups in the senior levels of the Foreign Service.

(b) A MORE REPRESENTATIVE FOREIGN SERVICE.—The Secretary of State and the head of each of the other agencies utilizing the Foreign Service personnel system—

(1) shall substantially increase their efforts to implement effectively the plans required by section 152(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, so that the Foreign Service becomes truly representative of the American people throughout all levels of the Foreign Service; and

101 STAT. 1365

(2) shall ensure that those plans effectively address the need to promote increased numbers of qualified women and members of minority groups into the senior levels of the Foreign Service.

Reports.

(c) DEPARTMENT OF STATE HIRING PRACTICES OF MINORITIES AND WOMEN.—The Secretary of State shall include annually as part of the report required to be submitted pursuant to section 105(d)(2) of the Foreign Service Act of 1980—

(1) a report on the progress made at the Assistant Secretary and Bureau level of the Department of State in increasing the presence of minorities and women at all levels in the Foreign Service and Civil Service workforces of the Department of State, and

Minorities.

(2) the specific actions taken to address the lack of Hispanic Americans, Asian Americans, and Native Americans in the Senior Executive Service and Senior Foreign Service of the Department of State.

SEC. 184. COMPLIANCE WITH LAW REQUIRING REPORTS TO CONGRESS.

Reports.

(a) COMPLIANCE WITH PRIOR REQUEST.—Within 90 days after the date of enactment of this Act, the Secretary of State shall submit to the chairmen and ranking members of the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate, and the Committee on Foreign Affairs, the Committee on Post Office and Civil Service, and the Committee on Government Operations of the House of Representatives, a report complying with the 1984 request of the Senate Committee on Governmental Affairs for a listing and description of all policy and supporting positions in the Department of State and related agencies. The report shall include an unclassified tabulation, as of the 1984 request, of the following:

(1) All Foreign Service officer positions then occupied by noncareer appointees.

(2) All positions in the Senior Foreign Service subject to noncareer appointment.

(3) The name of the incumbent; location; type; level, grade, or salary; tenure; and expiration (if any) of each position.

(b) COMPLIANCE WITH FUTURE REQUESTS.—Whenever the Committee on Governmental Affairs of the Senate or the Committee on Post Office and Civil Service of the House of Representatives requests information from the Secretary of State for inclusion in the publication "U.S. Government Policy and Supporting Positions", the Secretary shall provide such information in a timely manner.

SEC. 185. CHANGES IN REPORTING REQUIREMENTS.

(a) REPORT ON PERSONNEL ACTIONS IN THE FOREIGN SERVICE.—Section 105(d)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3905(d)(2)) is amended to read as follows:

"(2) The Secretary shall transmit, to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, the Department's reports on its equal employment opportunity and affirmative action programs and its minority recruitment programs, which reports are required by law, regulation, or directive to be submitted to the Equal Employment Opportunity Commission (EEOC) or the Office of Personnel Management (OPM). Each such report shall be transmitted to the Congress at least once annually, and shall be received by the Congress not later than 30 days after its original submission to the Equal Employment Opportunity Commission or the Office of Personnel Management.". Minorities.

101 STAT. 1366

(b) REPORT ON USE OF FOREIGN SERVICE PERSONNEL BY FEDERAL AGENCIES.—Section 601(c) of such Act (22 U.S.C. 4001(c)) is amended by adding at the end thereof the following new paragraph:

"(4) Not later than March 1 of each year, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall—

"(A) describe the steps taken and planned in furtherance of—

"(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

"(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204;

"(B) specify the upper and lower limits planned by each such agency for recruitment, advancement, and retention of members of the Service, as provided for in section 601(c)(2), including, with respect to each of the relevant promotion competition groups, the projected ranges of rates of appointment, promotion, and attrition over each of the next 5 fiscal years, as well as a comparison of such projections with the projections for the preceding year and with actual rates of appointment, promotion, and attrition, including a full explanation of any deviations from projections reported in the preceding year; and

"(C) specify the numbers of members of the Service who are assigned to positions classified under section 501 which are more than one grade higher or lower than the personal rank of the member.".

(c) REPEALS.—(1) Section 703(f) of the Foreign Service Act of 1980 (22 U.S.C. 4023(f)) is repealed.

(2) Sections 2402 (a) and (b) of the Foreign Service Act of 1980 are repealed, and section 2402(c) of such Act is amended by striking out "this section" and inserting in lieu thereof "section 601(c)(4)". 22 USC 4173.

(3) Section 152(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 3922a(c)) is repealed.

SEC. 186. DISPOSITION OF PERSONAL PROPERTY ABROAD.

(a) AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 (Public Law 84-885; 22 U.S.C. 2269 et seq.) is amended by adding at the end thereof the following new title:

"TITLE III—DISPOSITION OF PERSONAL PROPERTY ABROAD

"SEC. 301. DEFINITIONS. 22 USC 4341.

"For purposes of this title, the following terms have the following meanings:

"(1) The term 'employee' means an individual who is under the jurisdiction of a chief of mission to a foreign country (as provided under section 207 of the Foreign Service Act of 1980
101 STAT. 1367 (22 U.S.C. 3927)) and who is—

"(A) an employee as defined by section 2105 of title 5, United States Code;

"(B) an officer or employee of the United States Postal Service or of the Postal Rate Commission;

"(C) a member of a uniformed service who is not under the command of an area military commander; or

"(D) an expert or consultant as authorized pursuant to section 3109 of title 5, United States Code, with the United States or any agency, department, or establishment thereof; but is not a national or permanent resident of the foreign country in which employed.

"(2) The term 'contractor' means—

"(A) an individual employed by personal services contract pursuant to section 2(c) of this Act (22 U.S.C. 2669(c)), section 636(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(a)(3)), or pursuant to other similar authority, including, in the case of an organization performing services under such authority, an individual involved in the performance of such services; and

"(B) such other individuals or firms providing goods or services by contract as are designated by regulations issued pursuant to section 303;

but does not include a contractor with or under the supervision of an area military commander.

"(3) The term 'charitable contribution' means a contribution or gift as defined in section 170(c) of the Internal Revenue Code of 1986, or other similar contribution or gift to a bona fide charitable foreign entity as determined pursuant to regulations or policies issued pursuant to section 303.

"(4) The term 'chief of mission' has the meaning given such term by section 102(3) of the Foreign Service Act of 1980 (22 U.S.C. 2902(3)).

"(5) The term 'foreign country' means any country or territory, excluding the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, American Samoa, Guam, the Virgin Islands, and other territories or possessions of the United States.

"(6) The term 'personal property' means any item of personal property, including automobiles, computers, boats, audio and video equipment, and any other items acquired for personal use, but excluding items of minimal value as determined by regulation or policy issued pursuant to section 303.

"(7) The term 'profit' means any proceeds (including cash and other valuable consideration but not including amounts of such proceeds given as charitable contributions) for the sale, disposition, or assignment of personal property in excess of the basis for such property. For purposes of this title, basis shall include initial price, inland and overseas transportation costs (if not reimbursed by the United States Government), shipping insurance, taxes, customs fees, duties or other charges, and capital improvements, but shall not include insurance on an item while in use, or maintenance and related costs. For purposes of computing profit, proceeds and costs shall be valued in United States dollars at the time of receipt or payment, at a rate of exchange as determined by regulation or policy issued pursuant
101 STAT. 1368 to section 303.

22 USC 4342. "SEC. 302. LIMITATIONS ON DISPOSITION OF PERSONAL PROPERTY.

"(a) GENERAL RULE.—Except as authorized under subsection (b), employees or members of their family shall not sell, assign, or otherwise dispose of personal property within a foreign country which was imported into or purchased within that foreign country and which, by virtue of the official status of the employee, was

exempt from import limitation, customs duties, or taxes which would otherwise apply.

"(b) APPROVAL BY CHIEF OF MISSION.—The chief of mission to a foreign country, or a designee of such chief of mission, is authorized to approve within that foreign country sales, assignment, or other dispositions of property by employees under the chief of mission's jurisdiction (as described in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) to the extent that such sale, assignment, or other disposition is in accordance with regulations and policies, rules, and procedures issued pursuant to section 303.

"(c) VIOLATION.—Violation of this section, or other importation, sale, or other disposition of personal property within a foreign country which violates its laws or regulations or governing international law and is prohibited by regulations and policies, rules, and procedures issued pursuant to section 303, shall be grounds for disciplinary action against an employee.

"SEC. 303. REGULATIONS. 22 USC 4343.

"(a) ISSUANCE; PURPOSE.—The Secretary of State may issue regulations to carry out the purposes of this title. The primary purpose of such regulations and related policies, rules, and procedures shall be to assure that employees and members of their families do not profit personally from sales or other transactions with persons who are not themselves entitled to exemption from import restrictions, duties, or taxes.

"(b) CONTRACTORS.—Such regulations shall require that, to the extent contractors enjoy importation or tax privileges in a foreign country because of their contractual relationship to the United States Government, after the effective date of this title contracting agencies shall include provisions in their contracts to carry out the purpose of this title.

"(c) CHIEF OF MISSION.—In order to ensure that due account is taken of local conditions, including applicable laws, markets, exchange rate factors, and accommodation exchange facilities, such regulations may authorize the chief of mission to each foreign country to establish more detailed policies, rules, or procedures for the application of this title within that country to employees under the chief of mission's jurisdiction.".

(b) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of this Act. 22 USC 4341 note.

SEC. 187. AUTHORITIES FOR SERVICE OF FASCELL FELLOWS.

Section 1005(b) of the Fascell Fellowship Act (22 U.S.C. 4904(b)) is amended to read as follows:

"(b) AUTHORITIES.—Fellows may be employed—

"(1) under a temporary appointment in the civil service;

"(2) under a limited appointment in the Foreign Service; or

"(3) by contract under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956.".

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SEC. 188. BENEFITS FOR CERTAIN FORMER SPOUSES OF MEMBERS OF THE FOREIGN SERVICE.

(a) IN GENERAL.—Subchapter I of Chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended by inserting after section 829 (22 U.S.C. 4069) the following:

"SEC. 830. RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES. 22 USC 4069a.

"(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent or in such amounts as are provided in advance in appropriations Acts, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the benefits of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

"(c)(1) The entitlement of a former spouse to benefits under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service the benefits are based becomes entitled to benefits under this chapter; or

"(ii) the first day of the month in which the divorce or annulment involved becomes final; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

"(ii) the date the benefits of the participant terminates.

"(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

"(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

"(3) Benefits under this section shall be treated the same as an annuity under section 814(a)(7) for purposes of section 806(h) or any comparable provision of law.

Regulations.

"(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

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"(B) Upon approval of an application provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

"(d) For the purposes of this section, the term 'benefits' means—

"(1) with respect to a participant or former participant subject to this subchapter, the annuity of the participant or former participant; and

"(2) with respect to a participant or former participant subject to subchapter II, the benefits of the participant or former participant under that subchapter.

"(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

22 USC 4069b.

"SEC. 831. SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.

"(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent or in such amounts as are provided in advance in appropriations Acts, and except to the extent such former spouse is disquali-

fied under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

"(1) the full amount of the participant's or former participant's annuity, as computed under this chapter; or

"(2) the full amount of what such annuity as so computed would be if the participant or former participant had not withdrawn a lump-sum portion of contributions made with respect to such annuity.

"(b) If an election has been made with respect to such former spouse under section 2109 or 806(f), then the survivor annuity under subsection (a) of such former spouse shall be equal to the full amount of the participant's or former participant's annuity referred to in subsection (a) less the amount of such election.

"(c) A former spouse shall not be entitled to a survivor annuity under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

"(d)(1) The entitlement of a former spouse to a survivor annuity under this section—

"(A) shall commence—

"(i) in the case of a former spouse of a participant or former participant who is deceased as of the effective date of this section, beginning on such date; and

"(ii) in the case of any other former spouse, beginning on the later of—

"(I) the date that the participant or former participant to whom the former spouse was married dies; or

"(II) the effective date of this section; and

"(B) shall terminate on the last day of the month before the former spouse's death or remarriage before attaining the age 55.

"(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant. 101 STAT. 1371

"(B) Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before the effective date of this section.

"(e) The Secretary shall—

"(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and Regulations.

"(2) to the extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or former participant on February 14, 1981, of any rights which such individual may have under this section.

"(f) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

"SEC. 832. HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES. 22 USC 4069c.

"(a) Except as provided in subsection (c)(1), any individual—

"(1) formerly married to an employee or former employee of the Foreign Service, whose marriage was dissolved by divorce or annulment before May 7, 1985;

"(2) who, at any time during the 18-month period before the divorce or annulment became final, was covered under a health

benefits plan as a member of the family of such employee or former employee; and

"(3) who was married to such employee for not less than 10 years during periods of government service by such employee, is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

Regulations "(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the 6-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

"(A) files an election for such enrollment; and

"(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States Code, an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

"(2) The Secretary shall, as soon as possible, take all steps practicable—

"(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

"(B) to notify each such former spouse of that individual's

101 STAT. 1372 rights under this section.

"(3) The Secretary shall waive the 6-month limitation set forth in paragraph (1) in any case in which the Secretary determines that the circumstances so warrant.

"(c)(1) Any former spouse who remarries before age 55 is not eligible to make an election under subsection (b)(1).

Regulations "(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age 55 shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

"(d) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

"(e) For purposes of this section the term 'health benefits plan' means an approved health benefits plan under chapter 89 of title 5, United States Code.".

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 829 the following:

"Sec. 830. Retirement benefits for certain former spouses.
"Sec. 831. Survivor benefits for certain former spouses.
"Sec. 832. Health benefits for certain former spouses.".

TITLE II—THE UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS.

There are authorized to be appropriated to the United States Information Agency the following amounts to carry out international information activities under the United States Information and Educational Exchange Act of 1948, Reorganization Plan Number 2 of 1977, and other purposes authorized by law:

(1) For "Salaries and Expenses", $369,455,000 for the fiscal year 1988 and $376,845,000 for the fiscal year 1989;

(2) For "Television and Film Service", $30,391,000 for the fiscal year 1988 and $30,999,000 for the fiscal year 1989; and

(3) For "East-West Center", $20,000,000 for the fiscal year 1988 and $20,400,000 for the fiscal year 1989.

SEC. 202. FUNDS APPROPRIATED FOR THE UNITED STATES INFORMATION AGENCY.

(a) NOTIFICATION REQUIREMENT BEFORE AWARDING PROGRAM GRANTS.—Section 705(b) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c) is amended by striking out "for the fiscal years 1986 and 1987".

(b) PROHIBITION ON CERTAIN REPROGRAMMING.—Section 705 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c) is amended by adding at the end the following:

"(c) Funds appropriated for the United States Information Agency may not be available for obligation or expenditure through any reprogramming described in subsection (a) during the period which is the last 15 days in which such funds are available unless notice of such reprogramming is made before such period.".

101 STAT. 1373

SEC. 203. RECEIPTS FROM ENGLISH-TEACHING AND LIBRARY PROGRAMS.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

"SEC. 810. Notwithstanding the provisions of section 3302(b) of title 31, United States Code, or any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with English-teaching and library services conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act.".

SEC. 204. USIA POSTS AND PERSONNEL OVERSEAS.

22 USC 1461 note.

(a) PROHIBITION.—No funds authorized to be appropriated by this Act or any other Act may be used to pay any expense associated with the closing of any United States Information Agency post abroad. No funds authorized to be appropriated by this Act shall be used to pay for any expense associated with the Bureau of Management or with the television and film service of the United States Information Agency if a United States Information Agency post abroad is closed after April 1, 1987, and not reopened within 180 days of the date of enactment of this Act.

(b) LIMITATION ON REDUCTION OF POSITIONS.—Reductions shall not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees of the Agency at the same time in 1981.

(c) WAIVER.—Subsections (a) and (b) shall not apply to any United States Information Agency post closed—

(1) after January 1, 1987, and before the date of enactment of this Act if the host government will not allow that post to be reopened;

(2) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located;

(3) where there is a real and present threat to American diplomats in the city where the post is located and where a travel advisory warning against American travel to the city has been issued by the Department of State; or

(4) when the post is closed so as to provide funds to open a new post, staffed by at least one full-time foreign service officer, and where the Director of the United States Information Agency

reports to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(A) the new post is a higher priority than the post proposed to be closed; and

(B) the total number of United States Information Agency posts abroad staffed by full-time Foreign Service employees of the Agency is not less than the number of such posts in existence on April 1, 1987.

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Reports.

(d) SEQUESTRATION.—In the case that a sequestration order is issued pursuant to Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.; Public Law 99-177), the Director of the United States Information Agency may, as part of an agency wide austerity proposal, submit a report proposing a list of United States Information Agency posts to be downgraded or closed in order to comply with the sequestration order, together with a justification for the inclusion of each post on such list. Such report shall be submitted to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 205. FORTY-YEAR LEASING AUTHORITY.

Section 801(3) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471(3)) is amended by striking out "twenty-five" and inserting in lieu thereof "forty".

SEC. 206. UNITED STATES INFORMATION AGENCY PROGRAMMING ON AFGHANISTAN.

(a) THE AFGHANISTAN COUNTRY PLAN.—The Director of the United States Information Agency shall implement a formal, comprehensive country plan on Afghanistan based on the guidelines set forth in the United States Information Agency country plan instructions for fiscal year 1988.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Director of the United States Information Agency shall provide Congress in writing with the proposed comprehensive Afghanistan country plan.

Communications and telecommunications. 22 USC 1463 note.

SEC. 207. TELEVISION SERVICE OF THE UNITED STATES INFORMATION AGENCY.

The television and film service of the United States Information Agency, including Worldnet broadcasts, shall operate under the same criteria and conditions as are specified for the Voice of America by section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463).

SEC. 208. LIMITATION ON WORLDNET FUNDING.

Funds may not be reprogrammed in fiscal years 1988 and 1989 from any program, project, or activity for Worldnet. Funds may not be transferred in fiscal years 1988 and 1989 from any other account for Worldnet.

SEC. 209. AUDIENCE SURVEY OF WORLDNET PROGRAM.

(a) EARMARK.—Of the funds authorized to be appropriated for USIA's Worldnet Program by section 201(2), not less than $500,000 for the fiscal year 1988 shall be available only for the purpose of conducting a market survey in Europe of USIA's Worldnet programming.

(b) QUALIFICATIONS OF SURVEYOR.—Such survey shall be conducted by a television market survey company which has a long established reputation for objective estimates of television audience size and which has not less than 15 years of substantial experience in estimating audience size.

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the House Committee on Foreign Affairs containing— 101 STAT. 1375

(1) the best estimate by the company performing the audience survey of the number of persons in Europe who watch, on a daily basis, the passive (noninteractive) shows of USIA's Worldnet Program. Such estimate shall include the number of persons who watch a part of the daily passive (noninteractive) shows of USIA's Worldnet Program and the number of persons who watch such programs in their entirety;

(2) a description of the demographic composition and nationality of the persons watching such programs; and

(3) the entire report prepared by the company conducting the survey.

(d) NOTIFICATION OF SELECTED SURVEYOR.—At least 30 days prior to the approval by the Director of the United States Information Agency of a contract with a company conducting the survey required by this section, the Director shall provide the Chairman of the Senate Committee on Foreign Relations and the Chairman of the House Foreign Affairs Committee of the name of the company selected to conduct the survey together with a copy of the proposed contract. Contracts.

(e) LIMITATION.—No funds authorized to be appropriated to the United States Information Agency shall be expended after October 1, 1988, on the production or acquisition of passive (noninteractive) programs for USIA's Worldnet television service unless—

(1) the survey required by this section has been completed in the manner described by this section;

(2) the report required by this section, along with a copy of the survey results, has been submitted to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives; and

(3) the survey shows with a high degree of reliability that the average daily European audience for the passive (noninteractive) programs of USIA's Worldnet television service is not less than 2,000,000 viewers.

SEC. 210. NATIONAL ENDOWMENT FOR DEMOCRACY. Nicaragua.

In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated to the United States Information Agency $17,500,000 for the fiscal year 1988 and $18,100,000 for the fiscal year 1989 to be available only for a grant to the National Endowment for Democracy for carrying out its purposes, of which not less than $250,000 for the fiscal year 1988 shall be used to support elements of the free press, including free radio, and the democratic civic opposition inside Nicaragua which espouse democratic principles and objectives. As is the case with all programs of the National Endowment for Democracy, no employee of any department, agency, or other component of the United States Government may participate, directly or indirectly, in controlling and directing the use of these funds to the free press and democratic civic opposition inside Nicaragua. 101 STAT. 1376

SEC. 211. SEPARATE ACCOUNTS FOR NED GRANTEES.

Section 504(h) of the National Endowment for Democracy Act (22 U.S.C. 4413(h)) is amended by inserting "separate accounts with respect to such assistance and" after "keeps".

SEC. 212. NED TREATMENT OF INDEPENDENT LABOR UNIONS.

Section 503 of the National Endowment for Democracy Act (22 U.S.C. 4412) is amended by adding at the end thereof the following new subsection:

"(f) Nothing in this title shall preclude the Endowment from making grants to independent labor unions."

SEC. 213. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 604 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1469) is amended to read as follows:

"UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

"SEC. 604. (a) The United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8 of Reorganization Plan Numbered 2 of 1977, is hereby redesignated as the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the "Commission").

"(b) The Commission shall be composed of seven members who shall be appointed by and serve at the pleasure of the President. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor and business, and professional backgrounds. The President shall designate a member to chair the Commission.

President of U.S.

"(c) The Commission shall have a staff director who shall be appointed by the Chairman of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may—

"(1) appoint such additional personnel for the staff of the Commission as the Chairman deems necessary; and

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

Effective date.

"(d) This section shall enter into force on January 20, 1989. Any provisions of section 8 of Reorganization Plan Numbered 2 of 1977 inconsistent with this section shall no longer have legal effect on that date. The prohibition limiting membership of individuals from the same political party is repealed.".

SEC. 214. DISTRIBUTION WITHIN THE UNITED STATES OF USIA FILM ENTITLED "AMERICA THE WAY I SEE IT".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

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(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "America The Way I See It"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall—

(A) reimburse the Director for any expenses of the Agency in making that master copy available;

(B) deposit that film in the National Archives of the United States; and

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(C) make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 215. AVAILABILITY OF CERTAIN USIA PHOTOGRAPHS FOR DISTRIBUTION WITHIN THE UNITED STATES BY THE DEPARTMENT OF DEFENSE.

Public information.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency shall make available, upon request, to the Secretary of Defense and the Secretaries of the military departments concerned photographs of military operations and military related activities that occurred in the Republic of Vietnam for the purpose of developing and publishing military histories by those departments. The Secretary of Defense, or the Secretary of the military department concerned, as appropriate, shall reimburse the Director for any expenses involved in making such photographs available. Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 216. USIA UNDERGRADUATE SCHOLARSHIP PROGRAM.

(a) INCREASED FUNDING FOR CARIBBEAN REGION.—It is the sense of the House of Representatives that the United States Information Agency should provide increased funding for students in the Caribbean region under the scholarship program for developing countries established by title VI of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

(b) DEFINITION.—

(1) As used in this section, the term "Caribbean region" means—

(A) Antigua and Barbuda, Aruba, the Bahamas, Barbados, Belize, Cuba, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Christopher and Nevis, St. Vincent and the Grenadines, St. Lucia, Trinidad and Tobago;

(B) Anguilla, British Virgin Islands, Cayman Islands, Montserrat, Netherlands Antilles, Turks and Caicos Islands; and

(C) French Guiana, Guadeloupe, and Martinique.

(2) Nothing in this subsection may be construed to encourage or authorize scholarships for students from any country which is a Communist country.

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TITLE III—EDUCATIONAL AND CULTURAL AFFAIRS

SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated to the United States Information Agency for the Bureau of Educational and Cultural Affairs $188,625,000 for the fiscal year 1988 and $192,438,000 for the fiscal year 1989 to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961. Of the funds authorized to be appropriated by this section, not less than—

(1) $93,000,000 for the fiscal year 1988 and $93,000,000 for the fiscal year 1989 shall be available only for grants for the Fulbright Academic Exchange Programs;

(2) $39,000,000 for the fiscal year 1988 and $39,000,000 for the fiscal year 1989 shall be available only for grants for the International Visitors Program;

(3) $5,250,000 for the fiscal year 1988 and $5,250,000 for the fiscal year 1989 shall be available only for grants for the Hubert H. Humphrey Fellowship Program;

(4) $2,500,000 for the fiscal year 1988 and $2,500,000 for the fiscal year 1989 shall be available only for the Congress-Bundestag Exchange;

(5) $500,000 for the fiscal year 1988 and $500,000 for the fiscal year 1989 shall be available only to the Seattle Goodwill Games Organizing Committee for Cultural Exchange and other exchange-related activities associated with the 1990 Goodwill Games to be held in Seattle, Washington;

(6) $5,000,000 for the fiscal year 1988 and $5,000,000 for the fiscal year 1989 shall be available only for the Arts America Program; and

(7) $300,000 for the fiscal year 1988 shall be available only for books and materials to complete the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

(b) ALLOCATION OF FUNDS FOR EXCHANGES BETWEEN THE UNITED STATES AND THE SOVIET UNION.—(1) Of the funds authorized to be appropriated by subsection (a), not less than $2,000,000 shall be available only for grants for exchange of persons programs between the United States and the Soviet Union.

(2) Funds allocated by paragraph (1) or (2) of subsection (a) may be counted toward the allocation required by this subsection to the extent that such funds are used, in accordance with their respective programs, for grants for exchange of persons programs between the United States and the Soviet Union.

SEC. 302. SAMANTHA SMITH MEMORIAL EXCHANGE PROGRAM.

(a) ESTABLISHMENT.—Section 112(a) of the Mutual Educational Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) the Samantha Smith Memorial Exchange Program which advances understanding between the United States and the Soviet Union and between the United States and Eastern European countries through the exchange of persons under the age of 21 years and of students at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) who have not received their initial baccalaureate degree.".

Union of Soviet Socialist Republics.
Eastern Europe.
Schools and colleges.

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(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by section 301, there is authorized to be appropriated $2,000,000 for fiscal year 1988 and $2,000,000 for fiscal year 1989 to carry out the program established by the amendment made by subsection (a).

SEC. 303. THE ARTS AMERICA PROGRAM.

Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)), as amended by section 302, is further amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(9) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries.".

President of U.S.
Philippines.
Schools and colleges.

SEC. 304. PROFESSORSHIP ON CONSTITUTIONAL DEMOCRACY.

(a) FEDERAL SUPPORT FOR PROFESSORSHIP.—The President, in support of the statutory program of American studies abroad, is directed to foster studies in constitutional democracy at the Santo Tomas University in the Republic of the Philippines by supporting at such university under section 102(b)(4) of the Mutual Educational

and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(4)) a professorship on the subject of constitutional democracy, if such professorship is established by such university.

(b) FINANCIAL SUPPORT FOR THE PROFESSORSHIP.—If the professorship referred to in subsection (a) is established by the Santo Tomas University in the Republic of the Philippines, veterans of the Pacific theater in World War II and veterans of the Korean conflict and Vietnam era are encouraged to contribute funds under section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f)) to support such professorship.

SEC. 305. UNITED STATES-INDIA FUND.

Section 903(b) of the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (22 U.S.C. 290j-1) is amended to read as follows:

"(b) In accordance with the agreement negotiated pursuant to section 902(a), sums made available for investment for the United States-India Fund for Cultural, Educational, and Scientific Cooperation under the Departments of Commerce, Justice, and State, and the Judiciary and Related Agencies Appropriation Act, 1985, and any earnings on such sums shall be available for the purposes of section 902(a).".

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SEC. 306. THE EDWARD ZORINSKY MEMORIAL LIBRARY.

(a) MEMORIAL FOR EDWARD ZORINSKY.—The United States Information Service library in Jakarta, Indonesia is named "The Edward Zorinsky Memorial Library". Indonesia

(b) MEMORIAL PLAQUE.—The Director of the United States Information Agency shall cause a plaque to be made and prominently displayed at the library described in subsection (a). The plaque shall bear the following inscription:

"THE EDWARD ZORINSKY MEMORIAL LIBRARY

"This library is dedicated to the memory of Edward Zorinsky, United States Senator from Nebraska. As a Senator, Edward Zorinsky worked tirelessly to promote the free exchange of ideas and people between the United States and other countries. This library, which is a forum for the exchange of ideas and knowledge between the people of the United States and the people of Indonesia, was reopened after a hiatus of more than twenty years as a result of legislation authored by Senator Zorinsky.".

SEC. 307. CULTURAL PROPERTY ADVISORY COMMITTEE.

(a) TERMS OF SERVICE.—Section 306(b)(3)(A) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows: 19 USC 2605

"(3)(A) Members of the Committee shall be appointed for terms of three years and may be reappointed for one or more terms. With respect to the initial appointments, the President shall select, on a representative basis to the maximum extent practicable, four members to serve three-year terms, four members to serve two-year terms, and the remaining members to serve a one-year term. Thereafter each appointment shall be for a three-year term. President of U.S.

(b) VACANCIES; CHAIRMANSHIP.—Section 306(b)(3)(B) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows:

"(B)(i) A vacancy in the Committee shall be filled in the same manner as the original appointment was made and for the unexpired portion of the term, if the vacancy occurred during a term of office. Any member of the Committee may continue to serve as a member of the Committee after the expiration of his term of office until reappointed or until his successor has been appointed.

"(ii) The President shall designate a Chairman of the Committee from the members of the Committee.".

19 USC 2605 note

(c) APPLICATION.—The amendment made by subsection (a) shall apply to members of the Cultural Property Advisory Committee first appointed after the date of enactment of this Act.

TITLE IV—VOICE OF AMERICA

SEC. 401. AUTHORIZATIONS OF APPROPRIATIONS.

In addition to the amounts authorized to be appropriated under title II, there are authorized to be appropriated the following amounts to the United States Information Agency for the Voice of America for the purpose of carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act:

101 STAT. 1381

(1) for "Salaries and Expenses", $177,200,000 for the fiscal year 1988 and $180,744,000 for the fiscal year 1989;

(2) for "Voice of America/Europe", $3,000,000 for the fiscal year 1988 and $3,060,000 for the fiscal year 1989; and

(3) for "Radio Broadcasting to Cuba", $12,652,000 for the fiscal year 1988 and $12,905,000 for the fiscal year 1989.

SEC. 402. VOICE OF AMERICA/EUROPE.

Title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461 et seq.) is amended by adding after section 503 the following new section:

22 USC 1464

"SEC. 504. VOICE OF AMERICA/EUROPE.

"As part of its duties and programs under title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461 et seq.), Voice of America/Europe shall—

"(1) target news and features in accordance with the findings and recommendations of the Young European Survey;

"(2) conduct periodic audience evaluations and measurements; and

"(3) promote and advertise Voice of America/Europe.".

22 USC 1471 note

SEC. 403. CONTRACTOR REQUIREMENTS.

(a) FINDINGS.—The Congress finds that the overriding national security aspects of the $1,300,000,000 facilities modernization program of the Voice of America require the assurance of uninterrupted logistic support under all circumstances for the program. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on the projects of this program.

(b) RESPONSIVE BID.—A bid shall not be treated as a responsive bid for purposes of the facilities modernization program of the Voice of America unless the bidder can establish that the United States goods and services content, excluding consulting and management fees, of his proposal and the resulting contract will not be less than 55 percent of the value of his proposal and the resulting total contract.

(c) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the facilities modernization program of the Voice of America, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

(d) EXCEPTION.—

(1) Subsection (c) shall not apply with respect to any project of the facilities modernization program of the Voice of America when—

International agreements

(A) precluded by the terms of an international agreement with the host foreign country;

(B) a foreign bidder can establish that he is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of— 101 STAT. 1382

(i) its national public radio and television sector, or

(ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority; or

(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Director of the United States Information Agency that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project; or

(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "United States person" means a person that—

(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and any political subdivision thereof) and the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a modernization project under subsection (b);

(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the modernization project site; and

(F) has the existing technical and financial resources in the United States to perform the contract; and

(2) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as "RFP") or the Invitation For Bids (commonly referred to as "IFB") was issued after December 28, 1986.

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TITLE V—THE BOARD FOR INTERNATIONAL BROADCASTING

SEC. 501. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows:

"(A) $186,000,000 for fiscal year 1988 and $207,424,000 for fiscal year 1989; and".

(b) ALLOCATION OF FUNDS.—Of the funds authorized to be appropriated by section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973, $12,000,000 for the fiscal year 1988 and $12,000,000 for the fiscal year 1989 shall be available only for radio transmitter construction and modernization.

SEC. 502. RESERVE FOR OFFSETTING DOWNWARD FLUCTUATIONS IN OVERSEAS RATES.

Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(b)) is amended by inserting after "RFE/RL, Incorporated," the following: "shall be certified to the Congress by the Director of the Office of Management and Budget and placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year. Any such amount".

SEC. 503. CERTIFICATION OF CERTAIN CREDITABLE SERVICE.

The third to last sentence of section 8332(b) of title 5, United States Code, is amended by inserting ", and the Secretary of State with respect to the Asia Foundation and the Secretary of Defense with respect to the Armed Forces Network, Europe (AFN-E)," after "Board for International Broadcasting".

TITLE VI—ASIA FOUNDATION

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 404 of the Asia Foundation Act (22 U.S.C. 4401 et seq.) is amended to read as follows:

22 USC 4403

"SEC. 404. FUNDING.

"There is authorized to be appropriated to the Secretary of State $13,700,000 for the fiscal year 1988 and $15,000,000 for the fiscal year 1989 for grants to the Asia Foundation pursuant to this title."

TITLE VII—INTERNATIONAL ORGANIZATIONS

PART A—UNITED NATIONS

Union of Soviet Socialist Republics.
22 USC 287e note.

SEC. 701. PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

(a) FINDINGS.—The Congress makes the following findings:

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(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the

Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze. Reports.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance. Reports. Classified information.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus within the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California. District of Columbia. California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of September 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded", that is, serve on short, fixed-term contracts. Contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter. Contracts. 101 STAT. 1385

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) REPORT TO CONGRESS.—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

Contracts. New York. Switzerland. Austria. Kenya. Contracts.

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(B) The number of Soviet and Soviet-bloc nationals who are currently employed in the United States system on long-term contracts.

(C) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(D) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

Classified information.

(E) The measures undertaken by the United States to challenge Soviet and Soviet-bloc nationals' credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

Classified information.

(F) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

President of U.S.

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

President of U.S.

(2) the President, through the Department of State and the United States mission to the United Nations, should express to

101 STAT. 1386

the Secretary-General of the United Nations the insistence of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

Contracts.

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

(d) DEFINITION.—For the purposes of this section, the term "Soviet-bloc" means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

SEC. 702. REFORM IN THE BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) FINDINGS.—The Congress finds that the consensus based decision-making procedure established by General Assembly Resolution 41/213 is a significant step toward complying with the intent of section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note; 99 Stat. 405), as in effect before the date of enactment of this Act.

(b) REFORM.—Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note; 99 Stat. 405), is amended to read as follows:

"SEC. 143. REFORM IN BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

President of U.S.

"(a) FINANCIAL RESPONSIBILITY IN BUDGET PROCEDURES.—To achieve greater financial responsibility in preparation of the assessed budgets of the United Nations and its specialized agencies, the President should continue vigorous efforts to secure implementation by the United Nations, and adoption and implementation by its specialized agencies, of decision-making procedures on budgetary matters which assures that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

101 STAT. 1387

"(b) LIMITATION ON ASSESSED CONTRIBUTIONS.—

"(1) With respect to United States assessed contributions to the United Nations for each calendar year beginning with calendar year 1987—

"(A) 40 percent of the United States assessed contributions may be paid beginning on October 1 of such calendar year;

President of U.S. Reports.

"(B) 40 percent of the United States assessed contributions may be paid when the President has determined and so reported to the Congress that—

"(i) the consensus based decision-making procedure established by General Assembly Resolution 41/213 is being implemented and its results respected by the General Assembly;

"(ii) progress is being made toward the 50 percent limitation on seconded employees of the Secretariat as called for by the Group of High Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (Group of 18); and

"(iii) the 15 percent reduction in the staff of the Secretariat (recommendations 55 and 57 of the Group of 18) is being implemented and that such reduction is being equitably applied among the nationals on such staff; and

"(C) 20 percent of the United States assessed contributions may be paid beginning on a date which is 30 days after receipt by the Congress of the report described in subparagraph (B) unless the Congress within such 30-day period enacts, in accordance with subsection (c), a joint resolution prohibiting the payment of the remaining 20 percent of such funds.

"(2) In the case that the amount appropriated for United States assessed contributions to the United Nations for a calendar year is less than the full amount of such United States assessed contributions for that year, the final one-fifth of the amount appropriated may only be paid—

"(A) after the President has made the determinations and report specified in paragraph (1)(B); and

"(B) beginning on a date which is 30 days after receipt by the Congress of the report referred to in subparagraph (A) unless the Congress within such 30-day period enacts, in accordance with subsection (c), a joint resolution prohibiting the payment of the remaining one-fifth of such funds.

President of U.S. Reports

"(3) For each calendar year beginning with calendar year 1987, no payment may be made of an assessed contribution by the United States to any of the specialized agencies of the United Nations if such payment would cause the United States share of the total assessed budget for such agency to exceed 20 percent in any calendar year unless the President determines and so reports to the Congress that such agency has made substantial progress toward the adoption and implementation of decision-making procedures on budgetary matters in a manner that substantially achieves the greater financial responsibility referred to in subsection (a).

"(4) Subject to the availability of appropriations, when the presidential determinations referred to in paragraphs (1)(B), (2), and (3) have been made, payment of assessed contributions for prior years may be made to the United Nations or its specialized agencies (as the case may be) without regard to the contribution limitation contained in this section prior to its being amended by the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

101 STAT. 1388

"(c) DEFINITION AND PROCEDURES.—

"(1)(A) The provisions of this subsection shall apply to the introduction and consideration in the Senate of a joint resolution described in subsections (b)(1)(C) and (b)(2).

"(B) For purposes of this subsection, the term 'joint resolution' means only a joint resolution introduced within 3 days after the date on which the report of the President described in subsection (b)(1)(B) is received by Congress, the matter after the resolving clause of which is as follows: 'That the payment to the United Nations of those contributions described in section 143(b)(1)(C) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is prohibited'.

"(2) A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the 8th day after its introduction.

"(3) If the committee to which is referred a joint resolution has not reported such joint resolution (or an identical joint resolution) at the end of 15 days after its introduction, such committee shall be deemed to be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the appropriate calendar of the Senate.

"(4)(A) When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a joint resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(B) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint

resolution. A motion further to limit debate is in order and not debatable. An amendment to or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

"(C) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur. 101 STAT. 1389

"(D) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

"(5) If, before the passage by the Senate of a joint resolution of the Senate, the Senate receives from the House of Representatives a joint resolution, then the following procedures shall apply:

"(A) The joint resolution of the House of Representatives shall not be referred to a committee.

"(B) With respect to a joint resolution of the Senate—

"(i) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

"(ii) the vote on final passage shall be on the joint resolution of the House of Representatives.

"(6) This subsection is enacted by the Congress—

"(A) as an exercise of rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.".

(c) CONFORMING AMENDMENT.—The table of contents in section 1 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note; 99 Stat. 405) is amended by striking out the item relating to section 143 and inserting in lieu thereof the following:

"Sec. 143. Reform in the budget decision-making procedures of the United Nations and its specialized agencies.".

(d) TERMINATION DATE.—This section shall terminate on September 30, 1989. 22 USC 287e note.

SEC. 703. HOUSING ALLOWANCES OF INTERNATIONAL CIVIL SERVANTS.

(a) UNITED STATES POLICY.—It is the policy of the United States to seek the implementation by the United Nations of the recommendation by the International Civil Service Commission to deduct from the pay (commonly referred to as a "rental deduction") of an international civil servant the amount of any housing allowance or payment which is provided by any member state to that international civil servant, in accordance with Article 100 of the Charter of the United Nations and regulations thereunder.

(b) UNITED STATES AMBASSADOR TO THE UNITED NATIONS.—The United States Ambassador to the United Nations shall seek to promote the adoption of the recommendation described in subsection (a).

SEC. 704. UNITED STATES PARTICIPATION IN THE UNITED NATIONS IF ISRAEL IS ILLEGALLY EXPELLED.

(a) GENERAL RULE.—The first sentence of section 115(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 22 USC 287 note.

22 USC 287 note.
101 STAT. 1390

is amended to read as follows: "If Israel is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in any principal or subsidiary organ or in any specialized, technical, or other agency of the United Nations, the United States shall suspend its participation in any such organ or agency until the illegal action is reversed.".

(b) RULE OF CONSTRUCTION.—Such section is further amended by adding at the end thereof the following: "Nothing in this section may be construed to diminish or to affect United States participation in the United Nations Security Council or the Safeguards Program of the International Atomic Energy Agency.".

SEC. 705. UNITED NATIONS PROJECTS WHOSE PRIMARY PURPOSE IS TO BENEFIT THE PALESTINE LIBERATION ORGANIZATION.

Section 114(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting the following new paragraph (3) after paragraph (2):

"(3) 25 percent of the amount budgeted for that year for the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (or any similar successor entity);".

SEC. 706. PUBLIC ACCESS TO UNITED NATIONS WAR CRIMES COMMISSION FILES.

(a) FINDINGS.—The Congress finds that—

(1) with the passing of time, it is important to document fully Nazi war crimes and crimes against humanity, lest the enormity of those crimes be forgotten; and

(2) the files of the United Nations War Crimes Commission deposited in the archives of the United Nations contain information valuable to our knowledge of the genocidal actions of the Nazis.

(b) POLICY.—It is the sense of the Congress that United States policy should be to support access by interested individuals and organizations to the files of the United Nations War Crimes Commission deposited in the archives of the United Nations.

SEC. 707. REPORT ON POLICIES PURSUED BY OTHER COUNTRIES IN INTERNATIONAL ORGANIZATIONS.

22 USC 287b note.

The last sentence of section 117 of the Department of State Authorization Act, Fiscal Years 1984 and 1985, is amended by inserting before the period the following: ", together with the amount and type of foreign assistance (if any) made available by the United States for the preceding fiscal year to each such country under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, and the Peace Corps Act".

SEC. 708. PROTECTION OF TYRE BY THE UNITED NATIONS INTERIM FORCE IN LEBANON.

(a) FINDINGS.—The Congress finds that—

(1) the archaeological site of the ancient city of Tyre is an important part of the heritage of the people of Lebanon and of people everywhere;
101 STAT. 1391

(2) war and civil strife threaten the survival of the archaeological site at Tyre;

(3) the purchase of artifacts from Tyre, including purchases allegedly made by troops of the United Nations Interim Force in Lebanon (UNIFIL), is encouraging illegal excavation and looting of the Tyre site; and

(4) the United Nations Interim Force in Lebanon (UNIFIL) could best protect the archaeological site of Tyre so as to preserve this treasure for future generations.

(b) EXTENSION OF MANDATE OF UNIFIL.—The Secretary of State should request the Secretary General of the United Nations and the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL) to include protection of the archaeological site of the ancient city of Tyre. The Secretary of State is directed to seek an order prohibiting the purchase of any artifact from Tyre by any person associated with the United Nations.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, for as long as the United Nations Interim Force in Lebanon remains in Lebanon, the Secretary of State shall report in writing to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives on the progress made in implementing this section.

PART B—UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

SEC. 721. ESTABLISHMENT OF COMMISSION.

22 USC 287 note

The United States Commission on Improving the Effectiveness of the United Nations (hereafter in this part referred to as the "Commission") is hereby established.

SEC. 722. PURPOSES OF THE COMMISSION.

22 USC 287 note.

(a) PURPOSES.—The purposes of the Commission shall be to—

(1) examine the United Nations system as a whole and identify and evaluate its strengths and weaknesses; and

(2) prepare and submit to the President and to the Congress recommendations on ways to improve the effectiveness of the United Nations system and the role of the United States in the United Nations system, including the feasibility of and means for implementing such recommendations.

(b) CONSULTATION REGARDING OTHER UNITED NATIONS REFORM EFFORTS.—In carrying out this section, the Commission shall make every effort to consult, where appropriate, with other public and private institutions and organizations engaged in efforts to reform the United Nations system, including efforts being made directly under the auspices of the United Nations.

SEC. 723. MEMBERSHIP OF THE COMMISSION.

22 USC 287 note.

(a) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members, appointed as follows:

(A) Two Members of the Senate, one appointed by the President pro tempore of the Senate and one appointed by the Minority Leader of the Senate.

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(B) Two Members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Minority Leader of the House.

(C) Eight individuals from the private sector, two appointed by the President pro tempore of the Senate, two appointed by the Minority Leader of the Senate, two appointed by the Speaker of the House, and two appointed by the Minority Leader of the House.

(D) Four individuals appointed by the President, not more than two of whom may be from the same political party.

President of U.S.

(2) CRITERION FOR APPOINTMENTS.—Individuals appointed pursuant to subparagraphs (C) and (D) of paragraph (1) shall be representative, to the maximum extent possible, of the full range of American society.

(3) APPOINTMENTS TO BE MADE PROMPTLY.—All appointments pursuant to paragraph (1) shall be made not later than 60 days after the effective date of this part.

(4) VACANCIES.—Any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment was made.

(b) ADVISORS.—Former United States Permanent Representatives to the United Nations who are not appointed to the Commission shall be invited by the Commission to serve as advisors to the Commission.

(c) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION IN GENERAL.—Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) GOVERNMENT PERSONNEL.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission, and Advisors serving pursuant to subsection (b), shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Chairman and Vice Chairman shall be elected by the Commission from among members of the Commission.

(e) QUORUM.—Nine members of the Commission shall constitute a quorum for purposes of transacting business, except that four members shall constitute a quorum for holding public hearings.

22 USC 287 note.

SEC. 724. POWERS OF THE COMMISSION.

(a) IN GENERAL.—For the purpose of carrying out this part, the Commission may hold such hearings (subject to the requirements of subsection (b)) and sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to fulfill the purposes specified in section 722.

101 STAT. 1393

(b) MEETINGS.—

(1) MINIMUM NUMBER OF PUBLIC HEARINGS.—The Commission shall hold a minimum of five public hearings.

(2) OPEN MEETINGS.—Section 552b of title 5 of the United States Code shall apply with respect to the Commission.

(3) CALLING MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(c) DELEGATION OF AUTHORITY.—When so authorized by the majority of the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

Classified information.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this part. Upon request of the Chairman of the Commission, the head of any such Federal agency shall furnish such information to the Commission, to the extent authorized by law; except that the head of any Federal agency to which a request for information is provided pursuant to this subsection may deny access to such information, or make access subject to such terms and conditions as the head of that agency may prescribe, on the basis that the information in question is classified and the Commission does not have adequate procedures to safeguard the information in question, or that the Commission does not have a need to know the classified information. In addition, a Federal agency may not provide the Commission with information that could disclose intelligence sources or methods without first securing the approval of the

Director of Central Intelligence. The head of any such Federal agency may provide information on a reimbursable basis.

SEC. 725. STAFF. 22 USC 287 note.

(a) STAFF MEMBERS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, may—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for Level V of the Executive Schedule under section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such other staff personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) DETAILING OF GOVERNMENT PERSONNEL.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist it in carrying out this part.

SEC. 726. REPORT. 22 USC 287 note.

The Commission shall transmit to the President and to the Congress a report containing a detailed statement of the findings, conclusions, and recommendations of the Commission, including minority views. This report shall be transmitted not later than 18 months after the date on which all members of the Commission have been appointed.

101 STAT. 1394

SEC. 727. FUNDING FOR THE COMMISSION. 22 USC 287 note.

(a) COMMISSION TO BE PRIVATELY FUNDED.—The Commission may accept and use contributions from private United States sources to carry out this part. No Federal funds may be made available to the Commission for use in carrying out this part.

(b) LIMITATION ON SIZE OF CONTRIBUTIONS.—The Commission may not accept contributions from any single source which have a value of more than—

(1) $100,000, or

(2) 20 percent of the total of all contributions accepted by the Commission.

(c) COMMISSION APPROVAL OF CERTAIN CONTRIBUTIONS.—The Commission may accept contributions having a value of $1,000 or more from a single source only if more than two-thirds of the members of the Commission have approved the acceptance of those contributions.

(d) DISCLOSURE OF CONTRIBUTIONS.—

(1) PERIODIC REPORTS TO CONGRESS.—Every 30 days, the Commission shall submit to the chairman of the Committee on Foreign Affairs of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate, a list of the source and amount of each contribution accepted by the Commission during the preceding 30 days.

(2) FINAL REPORT.—The source and amount of each contribution accepted by the Commission shall be listed in the report submitted pursuant to section 726.

(e) LIMITATION ON OBLIGATIONS AND EXPENDITURES.—Notwithstanding subsection (a), the limitations on expenditures and obligations in section 1341 of title 31, United States Code, shall apply to the Commission.

SEC. 728. GENERAL ACCOUNTING OFFICE AUDITS OF THE COMMISSION. 22 USC 287 note.

The provisions of subchapter II of chapter 7 of title 31 of the United States Code (relating to the general duties and powers of the General Accounting Office) shall apply with respect to the programs

and activities of the Commission, including the receipt, disbursement, and use of funds contributed to the Commission, to the same extent as those provisions apply with respect to other agencies of the United States Government.

22 USC 287 note.

SEC. 729. TERMINATION OF THE COMMISSION.

The Commission shall cease to exist 60 days after submitting its report pursuant to section 726.

22 USC 287 note.

SEC. 730. EFFECTIVE DATE.

This part shall take effect on March 1, 1989.

PART C—OTHER INTERNATIONAL ORGANIZATIONS

22 USC 288h.

SEC. 741. PRIVILEGES AND IMMUNITIES TO OFFICES OF MISSION TO THE UNITED STATES OF THE COMMISSION OF THE EUROPEAN COMMUNITIES.

The Act entitled "An Act to extend diplomatic privileges and immunities to the Mission to the United States of America of the
101 STAT. 1395
Commission of the European Communities and the members thereof", approved October 18, 1972 (86 Stat. 815), is amended by
22 USC 288h.
President of U.S.
adding at the end the following: "Under such terms and conditions as the President may determine, the President is authorized to extend to other offices of the Commission of the European Communities which are established in the United States, and to members thereof—

"(1) the privileges and immunities described in the preceding sentence; or

"(2) as appropriate for the functioning of a particular office, privileges and immunities, equivalent to those accorded consular premises, consular officers, and consular employees, pursuant to the Vienna Convention on Consular Relations.".

Israel.

SEC. 742. CONTRIBUTION TO THE REGULAR BUDGET OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND SENSE OF CONGRESS CONCERNING RECOGNITION OF RED SHIELD OF DAVID.

(a) UNITED STATES CONTRIBUTION.—Pursuant to the provisions of section 109 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, the Secretary of State shall make an annual contribution to the regular budget of the International Committee of the Red Cross of an amount which is not less than 10 percent of its regular budget. Such contribution may be made from the funds authorized to be appropriated by section 104 for "Migration and Refugee Assistance".

(b) LIMITATION ON CONTRIBUTIONS.—Notwithstanding subsection (a), for fiscal year 1988, the United States contribution to the regular budget of the International Committee of the Red Cross shall not exceed nor be less than the amount contributed by the United States to the regular budget of the International Committee of the Red Cross in fiscal year 1987.

(c) RECOGNITION OF THE RED SHIELD OF DAVID.—It is the sense of the Congress that a diplomatic conference of governments should grant identical status of recognition to the Red Shield of David (Magen David Adom) as that granted to the Red Cross and the Red Crescent and that the Red Shield of David Society of Israel should be accepted as a full member of the League of Red Cross Societies and the quadrennial International Conferences of the Red Cross.

SEC. 743. IMMUNITIES FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

The International Organizations Immunities Act is amended by inserting after section 12 (22 U.S.C. 288f-2) the following new section:

"SEC. 13. The International Committee of the Red Cross, in view of its unique status as an impartial humanitarian body named in the Geneva Conventions of 1949 and assisting in their implementation, shall be considered to be an international organization for the purposes of this title and may be extended the provisions of this title in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.". 22 USC 288f-3.

101 STAT. 1396

SEC. 744. NORTH ATLANTIC ASSEMBLY.

(a) APPOINTMENT OF SECRETARIES TO THE NORTH ATLANTIC ASSEMBLY DELEGATIONS.—Section 1 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928b; Public Law 84-689), is amended by adding at the end thereof the following new sentences: "Each delegation shall have a secretary. The secretaries of the Senate and House delegations shall be appointed, respectively, by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives.". 22 USC 1928a.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2 of such joint resolution is amended— 22 USC 1928b.

(1) by striking out "$50,000" and inserting in lieu thereof "$75,000"; and

(2) by striking out "$25,000" the first place it appears and inserting in lieu thereof "$50,000".

SEC. 745. UNITED STATES MEMBERSHIP IN INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION. Refugees. 22 USC 2601 note. President of U.S.

The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, and, upon entry into force of the amendments to such constitution approved in Geneva, Switzerland, on May 20, 1987, to continue membership in the organization under the name International Organization for Migration in accordance with such constitution and amendments. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incidental to United States participation in the Committee.

SEC. 746. RECOGNITION OF CARICOM. Caribbean.

It is the sense of the Congress that the Secretary of State should consider recognizing the Caribbean Community and Common Market (CARICOM) as a regional planning organization in the Caribbean.

SEC. 747. ASIAN-PACIFIC REGIONAL HUMAN RIGHTS CONVENTION. Reports.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress which—

(1) examines the nature and extent of human rights problems in the Asian-Pacific region; and

(2) assesses the willingness of the countries in the region to negotiate a regional human rights convention similar to the American Convention on Human Rights, the Conference on Security and Cooperation in Europe, and the African Charter on Peoples' and Human Rights.

22 USC 2656 note.
101 STAT. 1397

TITLE VIII—INTERNATIONAL NARCOTICS CONTROL

SEC. 801. ASSIGNMENT OF DRUG ENFORCEMENT ADMINISTRATION AGENTS ABROAD.

If the Secretary of State, in exercising his authority to establish overseas staffing levels for Federal agencies with activities abroad, authorizes the assignment of any Drug Enforcement Administration agent to a particular United States mission abroad, the Secretary shall authorize the assignment of at least two such agents to that mission.

Enrique Camarena Salazar.
Alfredo Zavala Avelar.
Victor Cortez, Jr.
99 Stat. 421.
18 USC 3181 note.

SEC. 802. QUARTERLY REPORTS ON PROSECUTION OF THOSE RESPONSIBLE FOR THE TORTURE AND MURDER OF DRUG ENFORCEMENT ADMINISTRATION AGENTS IN MEXICO.

Section 134(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is amended by striking out "progress made in the Camarena case," and inserting in lieu thereof "progress made in investigating, and prosecuting those responsible for, the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar and the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior,".

SEC. 803. REQUIREMENT THAT EXTRADITION OF DRUG TRAFFICKERS BE A PRIORITY ISSUE OF UNITED STATES MISSIONS IN MAJOR ILLICIT DRUG PRODUCING OR TRANSIT COUNTRIES.

The Secretary of State shall ensure that the Country Plan for the United States diplomatic mission in each major illicit drug producing country and in each major drug-transit country (as those terms are defined in section 481(i) of the Foreign Assistance Act of 1961) includes, as an objective to be pursued by the mission—

(1) negotiating an updated extradition treaty which ensures that drug traffickers can be extradited to the United States, or

(2) if an existing treaty provides for such extradition, taking such steps as may be necessary to ensure that the treaty is effectively implemented.

SEC. 804. INFORMATION-SHARING SYSTEM SO THAT VISAS ARE DENIED TO DRUG TRAFFICKERS.

Reports.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report on the status of the comprehensive information system on drug arrests of foreign nationals which was required to be established by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

SEC. 805. CERTIFICATION PROCEDURES FOR DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES AND INCLUSION OF SPECIFIC AGENCY COMMENTS.

22 USC 2291.
Reports.

(a) REPORT.—Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"(7) Each report pursuant to this subsection shall include specific comments and recommendations by appropriate Federal agencies involved in drug enforcement, including the United States Customs
101 STAT. 1398 Service and the Drug Enforcement Administration, with respect to the degree to which countries listed in the report have cooperated fully with such agencies during the preceding year as described in subsection (h).".

22 USC 2291.

(b) RESOLUTION OF DISAPPROVAL.—Section 481(h) of the Foreign Assistance Act of 1961 is amended in subparagraph (A), by striking out "30" and inserting in lieu thereof "45".

SEC. 806. SANCTIONS ON DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES.

19 USC 2492.

(a) SANCTIONS.—Section 802 of the Trade Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking out "or" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (6);

(C) by amending paragraph (6), as so redesignated, to read as follows:

"(6) take any combination of the actions described in paragraphs (1) through (5)."; and

(D) by inserting after paragraph (3) the following new paragraphs:

"(4) take the steps described in subsection (d)(1) or (d)(2), or both, to curtail air transportation between the United States and that country;

"(5) withdraw the personnel and resources of the United States from participation in any arrangement with that country for the pre-clearance of customs by visitors between the United States and that country; or";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "corruption by government officials and" after "preventing and punishing";

(B) in paragraph (2)(A), by striking out "and" at the end thereof;

(C) in paragraph (2)(B), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(D) by adding at the end thereof the following new clause:

"(C) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, corruption by government officials, with particular emphasis on the elimination of bribery."; and

(3) in subsection (c), by inserting "paragraph (1), (2), or (3) of" after "under"; and

(4) by adding at the end thereof the following new subsection:

"(d) PRESIDENTIAL ACTION REGARDING AVIATION.— Transportation.

"(1)(A) The President is authorized to notify the government of a country against which is imposed the sanction described in subsection (a)(4) of his intention to suspend the authority of foreign air carriers owned or controlled by the government or nationals of that country to engage in foreign air transportation to or from the United States.

"(B) Within 10 days after the date of notification of a government under subparagraph (A), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by the government or nationals of that country to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

101 STAT. 1399

"(C) The President may also direct the Secretary of Transportation to take such steps as may be necessary to suspend the authority of any air carrier to engage in foreign air transportation between the United States and that country.

"(2)(A) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country against which the sanction described in subsection (a)(4) is imposed in accordance with the provisions of that agreement.

"(B) Upon termination of an agreement under this paragraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government or nationals of that country to engage in foreign air transportation to or from the United States.

"(C) Upon termination of an agreement under this paragraph, the Secretary of Transportation may also revoke the authority of any air carrier to engage in foreign air transportation between the United States and that country.

"(3) The Secretary of Transportation may provide for such exceptions from paragraphs (1) and (2) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(4) For purposes of this subsection, the terms 'air transportation', 'air carrier', 'foreign air carrier' and 'foreign air transportation' have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).".

(b) CONFORMING AMENDMENT.—The title heading of title VIII of the Trade Act of 1974 is amended to read as follows: "TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES".

(c) ALIENS EXCLUDABLE FROM ADMISSION TO THE UNITED STATES.—Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended to read as follows:

"(23) Any alien who—

"(A) has been convicted of a violation of, or a conspiracy to violate, any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(B) the consular officers or immigration officers know or have reason to believe is or has been an illicit trafficker in any such controlled substance or is or has been a knowing assistor, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled substance;".

TITLE IX—IMMIGRATION AND REFUGEE PROVISIONS

8 USC 1182 note

SEC. 901. PROHIBITION ON EXCLUSION OR DEPORTATION OF ALIENS ON CERTAIN GROUNDS.

101 STAT. 1400

(a) IN GENERAL.—Notwithstanding any other provision of law, no alien may be denied a visa or excluded from admission into the United States, subject to restrictions or conditions on entry into the United States, or subject to deportation because of any past, current, or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States.

(b) CONSTRUCTION REGARDING EXCLUDABLE ALIENS.—Nothing in this section shall be construed as affecting the existing authority of the executive branch to deport, to deny issuance of a visa to, or to deny admission to the United States of, any alien—

Defense and national security.

(1) for reasons of foreign policy or national security, except that such deportation or denial may not be based on past, current, or expected beliefs, statements, or associations which, if engaged in by a United States citizen in the United States, would be protected under the Constitution of the United States;

Terrorism.

(2) who a consular official or the Attorney General knows or has reasonable ground to believe has engaged, in an individual capacity or as a member of an organization, in a terrorist activity or is likely to engage after entry in a terrorist activity; or

(3) who seeks to enter in an official capacity as a representative of a purported labor organization in a country where such organizations are in fact instruments of a totalitarian state.

In addition, nothing in subsection (a) shall be construed as applying to an alien who is described in section 212(a)(33) of the Immigration and Nationality Act (relating to those who assisted in the Nazi persecutions), to an alien described in the last sentence of section 101(a)(42) of such Act (relating to those assisting in other persecutions) who is seeking the benefits of section 207, 208, 243(h)(1), or

245A of such Act (relating to admission as a refugee, asylum, withholding of deportation, and legalization), or to an alien who is described in section 21(c) of the State Department Basic Authorities Act of 1956. In paragraph (2), the term "terrorist activity" means the organizing, abetting, or participating in a wanton or indiscriminate act of violence with extreme indifference to the risk of causing death or serious bodily harm to individuals not taking part in armed hostilities.

(c) CONSTRUCTION REGARDING STANDING TO SUE.—Nothing in this section shall be construed as affecting standing in any Federal court or in any administrative proceeding.

(d) EFFECTIVE PERIOD.—Subsection (a) shall only apply to—

(1) applications for visas submitted during 1988;

(2) admissions sought after December 31, 1987, and before March 1, 1989; and

(3) deportations based on activities occurring during 1988 or for which deportation proceedings (including judicial review with respect to such a proceeding) are pending at any time during 1988.

SEC. 902. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF COUNTRIES FOR WHICH EXTENDED VOLUNTARY DEPARTURE HAS BEEN MADE AVAILABLE. 8 USC 1255a note.

(a) ADJUSTMENT OF STATUS.—The status of any alien who is a national of a foreign country the nationals of which were provided (or allowed to continue in) "extended voluntary departure" by the Attorney General on the basis of a nationality group determination at any time during the 5-year period ending on November 1, 1987, 101 STAT. 1401 shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

(1) applies for such adjustment within two years after the date of the enactment of this Act;

(2) establishes that (A) the alien entered the United States before July 21, 1984, and (B) has resided continuously in the United States since such date and through the date of the enactment of this Act;

(3) establishes continuous physical presence in the United States (other than brief, casual, and innocent absences) since the date of the enactment of this Act;

(4) in the case of an alien who entered the United States as a nonimmigrant before July 21, 1984, establishes that (A) the alien's period of authorized stay as a nonimmigrant expired not later than six months after such date through the passage of time or (B) the alien applied for asylum before July 21, 1984; and

(5) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)).

The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than 90 days after the date of the enactment of this Act.

(b) STATUS AND ADJUSTMENT OF STATUS.—The provisions of subsections (b), (c)(6), (d), (f), (g), (h), and (i) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under subsection (a) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act.

SEC. 903. PROCESSING OF CUBAN NATIONALS FOR ADMISSION TO THE UNITED STATES. 8 USC 1201 note.

(a) PROCESSING OF CERTAIN CUBAN POLITICAL PRISONERS AS REFUGEES.—In light of the announcement of the Government of Cuba on November 20, 1987, that it would reimplement immediately the agreement of December 14, 1984, establishing normal migration procedures between the United States and Cuba, on and after the date of the enactment of this Act, consular officers of the Department of State and appropriate officers of the Immigration and Naturalization Service shall, in accordance with the procedures

applicable to such cases in other countries, process any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment, except as may be necessary to reassure the orderly process of available applicants.

(b) PROCESSING OF IMMIGRANT VISA APPLICATIONS OF CUBAN NATIONALS IN THIRD COUNTRIES.—Notwithstanding section 212(f) and section 243(g) of the Immigration and Nationality Act, on and after the date of the enactment of this Act, consular officers of the Department of State shall process immigrant visa applications by nationals of Cuba located in third countries on the same basis as immigrant visa applications by nationals of other countries.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications.

101 STAT. 1402

(2) The term "refugee" has the meaning given such term in section 101(a)(42) of the Immigration and Nationality Act.

Cambodia.
Vietnam.
Laos.
Hong Kong.
Indonesia.
Singapore.
Philippines.
Thailand.

SEC. 904. INDOCHINESE REFUGEE RESETTLEMENT.

(a) FINDINGS.—It is the sense of the Congress that—

(1) the continued occupation of Cambodia by Vietnam and the oppressive conditions within Vietnam, Cambodia, and Laos have led to a steady flight of persons from those countries, and the likelihood for the safe repatriation of the hundreds of thousands of refugees in the region's camps is negligible for the foreseeable future;

(2) the United States has already played a major role in responding to the Indochinese refugee problem by accepting approximately 850,000 Indochinese refugees into the United States since 1975 and has a continued interest in persons who have fled and continue to flee the countries of Cambodia, Laos, and Vietnam;

(3) Hong Kong, Indonesia, Malaysia, Singapore, the Philippines, and Thailand have been the front line countries bearing tremendous burdens caused by the flight of these persons;

(4) all members of the international community bear a share of the responsibility for the deterioration in the refugee first asylum situation in Southeast Asia because of slow and limited procedures, failure to implement effective policies for the region's "long-stayer" populations, failure to monitor adequately refugee protection and screening programs, particularly along the Thai-Cambodian and Thai-Laotian borders, and the instability of the Orderly Departure Program (ODP) from Vietnam which has served as the only safe, legal means of departure from Vietnam for refugees, including Amerasians and long-held "reeducation camp" prisoners;

(5) the Government of Thailand should be complemented for allowing the United States to process ration card holders in Khao I Dang and potentially qualified immigrants in Site 2 and in Khao I Dang;

(6) given the serious protection problem in Southeast Asian first asylum countries and the need to preserve first asylum in the region, the United States should continue its commitment to an ongoing, generous admission and protection program for Indochinese refugees, including urgently needed educational programs for refugees along the Thai-Cambodian and Thai-Laotian borders, until the underlying causes of refugee flight are addressed and resolved;

(7) the executive branch should seek adequate funding levels to meet United States policy objectives to ensure the well-being of Indochinese refugees in first asylum, and to process 29,500 Indochinese refugees within the overall refugee admissions level of 68,000 as determined by the President; and

(8) the Government of Thailand should be complimented for the progress that has been made in implementing an effective antipiracy program.

(b) RECOMMENDATIONS.—The Congress finds and recommends the following with respect to Indochinese refugees:

(1) The Secretary of State should urge the Government of Thailand to allow full access by highland refugees to the Lao Screening Program, regardless of the method of their arrival or the circumstances of their apprehension, and should intensify its efforts to persuade the Government of Laos to accept the safe return of persons rejected under the Lao Screening Program. 101 STAT. 1403

(2) Refugee protection and monitoring activities should be expanded along the Thai-Laotian border in an effort to identify and report on incidents of refugees forcibly repatriated into Laos.

(3) The Secretary of State should urge the Government of Thailand to address immediately the problems of protection associated with the Khmer along the Thai-Cambodian border. The Government of Thailand, along with appropriate international relief agencies, should develop and implement a plan to provide for greater security and protection for the Khmer at the Thai border.

(4) The international community should increase its efforts to assure that Indochinese refugee camps are protected, that refugees have access to a free market at Site 2, and that international observers and relief personnel are present on a 24-hour-a-day basis at Site 2 and any other camp where it is deemed necessary.

(5) The Secretary of State should make every effort to identify each person at Site 2 who may qualify for admission to the United States as an immigrant and for humanitarian parole.

(6) The United Nations High Commissioner for Refugees should be pressed to upgrade staff presence and the level of advocacy to revive the international commitment with regard to the problems facing Indochinese refugees in the region, and to pursue voluntary repatriation possibilities in cases where monitoring is available and the safety of the refugees is assured. International organizations.

(c) ALLOCATIONS OF REFUGEE ADMISSIONS.—Given the existing connection between ongoing resettlement and the preservation of first asylum, the United States and the United Nations High Commissioner for Refugees should redouble efforts to assure a stable and secure environment for refugees while dialog is pursued on other long-range solutions, it is the sense of the Congress that— International organizations.

(1) within the worldwide refugee admissions ceiling determined by the President, the President should continue to recommend generous numbers of admissions from East Asia first asylum camps and from the Orderly Departure Program sufficient to sustain preservation of first asylum and security for Indochinese in Southeast Asia, consistent with worldwide refugee admissions requirements and the consultative processes of the Refugee Act of 1980; President of U.S.

(2) within the allocation made by the President for the Orderly Departure Program from Vietnam, the number of admissions allocated for Amerasians and their immediate family members should also be generous; President of U.S.

(3) renewed international efforts must be taken to address the problem of Indochinese refugees who have lived in camps for 3 years or longer; and

(4) the Secretary of State should urge the United Nations High Commissioner for Refugees to organize immediately an international conference to address the problems of Indochinese refugees. International organizations.

(d) REPORTING.—The President shall submit a report to Congress within 180 days after the date of the enactment of this Act on the respective roles of the Immigration and Naturalization Service and President of U.S.

101 STAT. 1404 the Department of State in the refugee program with recommendations for improving the effectiveness and efficiency of the program.

SEC. 905. AMERASIAN CHILDREN IN VIETNAM.

(a) FINDINGS AND DECLARATIONS.—The Congress makes the following findings and declarations:

(1) Thousands of children in the Socialist Republic of Vietnam were fathered by American civilians and military personnel.

(2) It has been reported that many of these Amerasian children are ineligible for ration cards and often beg in the streets, peddle black market wares, or prostitute themselves.

(3) The mothers of Amerasian children in Vietnam are not eligible for government jobs or employment in government enterprises and many are estranged from their families and are destitute.

(4) Amerasian children and their families have undisputed ties to the United States and are of particular humanitarian concern to the United States.

(5) The United States has a longstanding and very strong commitment to receive the Amerasian children in Vietnam, if they desire to come to the United States.

(6) In September 1984, the United States informed the Socialist Republic of Vietnam that all Amerasian children in Vietnam, their mothers, and qualifying family members would be admitted as refugees to the United States during a three-year period.

(7) Amerasian emigration from Vietnam increased significantly in fiscal year 1985 under the Orderly Departure Program of the United Nations High Commissioner on Refugees.

(8) On January 1, 1986, the Socialist Republic of Vietnam unilaterally suspended interviews of all individuals seeking to leave Vietnam legally under the auspices of the Orderly Departure Program for resettlement in the United States.

(9) On the 19th and 20th of October 1987, the Socialist Republic of Vietnam permitted the United States to resume interviewing Amerasians and their families.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States should maintain its strong commitment to receive the Amerasian children in the Socialist Republic of Vietnam and their families;

(2) the Socialist Republic of Vietnam should cooperate fully in facilitating the processing of all Amerasians who desire to be resettled in the United States; and

(3) the Socialist Republic of Vietnam should cooperate fully in the processing of Amerasians for emigration.

Thailand.
Cambodia.
Vietnam.
Laos.

SEC. 906. REFUGEES FROM SOUTHEAST ASIA.

(a) FINDINGS.—The Congress finds that—

(1) the United States remains firmly committed to the security of Thailand and to improving relations between our two nations;

(2) the United States refugee resettlement and humanitarian assistance programs constitute an important factor in bilateral relations between the United States and Thailand;

(3) the preservation of first asylum for those fleeing persecution is one of the primary objectives of the United States refugee program;

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(4) the actions of another government in labeling refugee populations as "displaced persons" or closing its borders to new arrivals shall not constitute a barrier to the United States considering those individuals or groups to be refugees;

(5) it is in the national interest to facilitate the reunification of separated families of United States citizens and permanent residents, and the Congress will look with disfavor on any nation which seriously hinders emigration for such reunifications;

(6) the persecution of the Cambodian people under the Khmer Rouge rule from 1975–1979, which caused the deaths of up to two million people and in which the bulk of the Khmer people were subjected to life in an Asian Auschwitz, constituted one of the clearest examples of genocide in recent history; and

(7) the invasion of Cambodia by Vietnam and the subsequent occupation of that country by 140,000 Vietnamese troops backing up the Heng Samrin regime, which itself continues to seriously violate the human rights of Cambodians, and the presence of 40,000 heavily armed troops under the control of the same Khmer Rouge leaders, overwhelmingly demonstrate that the life or freedom of any Cambodian not allied with the Khmer Rouge or supporting Heng Samrin would be seriously endangered if such individual were forced by a country of first asylum to return to his or her homeland. Heng Samrin

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) any Cambodians who are, or had been, at Khao I Dang camp should be considered and interviewed for eligibility for the United States refugee program, irrespective of the date they entered Thailand or that refugee camp;

(2) any Cambodian rejected for admission to the United States who can demonstrate new or additional evidence relating to his claim should have his or her case reviewed;

(3) the United States should work with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the Government of Thailand to improve the security of all refugee facilities in Thailand and to prevent the forced repatriation of Cambodian refugees; International organizations

(4) the United States should treat with utmost seriousness the continued reports of forced repatriations to Laos of would-be asylum seekers, and should lodge strong and continuous protests with the Thai Government to bring about an end to these repatriations, which endanger the life and safety of those involuntarily returned to Laos; and

(5) within the Orderly Departure Program the United States will give high priority consideration to determining the eligibility of serious health cases and cases involving children separated from both parents. Children and youth

SEC. 907. RELEASE OF YANG WEI.

China
Education

(a) FINDINGS.—The Congress makes the following findings:

(1) Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his masters of science degree in microbiology in 1986.

(2) In May 1986 Yang Wei returned to China to marry Dr. Che Shaoli and arrange for funding for his continued studies under a PhD program at the University of Arizona. Che Shaoli

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(3) On January 11, 1987, while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau.

(4) Yang Wei has been held without charge or trial since January 11, 1987.

(5) Mr. Yang's wife, a student at Baylor Medical College in Houston, Texas, has been refused any information about her husband's whereabouts or condition by Chinese authorities.

(6) Mr. Yang's father, Yang Jue, and his mother Bi Shuyun, have been denied all contact with their son. Yang Jue. Bi Shuyun.

(7) The Chinese Criminal Procedure law of 1979, sections 92, 97, 125, and 142 provides for a maximum of four and a half months of detention without charge or trial and Yang Wei has now been held over six months, contrary to Chinese law.

(8) Yang Wei has not committed any crime under United States or Chinese law.

(9) Yang Wei and his wife only aspire to freedom and democracy.

(10) The treatment of Mr. Yang and his family is frightening to all Chinese students now studying in the West and meant to be so by Chinese authorities.

(11) Recently more than two thousand Chinese students signed an open letter to express their concern about recent political developments in their country.

(b) POLICY.—It is the sense of Congress that—

(1) the People's Republic of China should immediately release Yang Wei; and

(2) the United States should consider sympathetically applications for asylum from Chinese students studying in the United States who can, on a case-by-case basis, demonstrate a well-founded fear of persecution.

Anti-Terrorism Act of 1987. Palestine Liberation Organization. 22 USC 5201 note.

TITLE X—ANTI-TERRORISM ACT OF 1987

SEC. 1001. SHORT TITLE.

This title may be cited as the "Anti-Terrorism Act of 1987".

22 USC 5201.

SEC. 1002. FINDINGS; DETERMINATIONS.

(a) FINDINGS.—The Congress finds that—

(1) Middle East terrorism accounted for 60 percent of total international terrorism in 1985;

(2) the Palestine Liberation Organization (hereafter in this title referred to as the "PLO") was directly responsible for the murder of an American citizen on the Achille Lauro cruise liner in 1985, and a member of the PLO's Executive Committee is under indictment in the United States for the murder of that American citizen;

(3) the head of the PLO has been implicated in the murder of a United States Ambassador overseas;

(4) the PLO and its constituent groups have taken credit for, and been implicated in, the murders of dozens of American citizens abroad;

(5) the PLO covenant specifically states that "armed struggle is the only way to liberate Palestine, thus it is an overall strategy, not merely a tactical phase";

101 STAT. 1407

(6) the PLO rededicated itself to the "continuing struggle in all its armed forms" at the Palestine National Council meeting in April 1987; and

(7) the Attorney General has stated that "various elements of the Palestine Liberation Organization and its allies and affiliates are in the thick of international terror".

(b) DETERMINATIONS.—Therefore, the Congress determines that the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.

22 USC 5202.

SEC. 1003. PROHIBITIONS REGARDING THE PLO.

It shall be unlawful, if the purpose be to further the interests of the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof, on or after the effective date of this title—

(1) to receive anything of value except informational material from the PLO or any of its constituent groups, any successor thereto, or any agents thereof;

(2) to expend funds from the PLO or any of its constituent groups, any successor thereto, or any agents thereof; or

(3) notwithstanding any provision of law to the contrary, to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof.

SEC. 1004. ENFORCEMENT.

22 USC 5203.

(a) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of this title.

(b) RELIEF.—Any district court of the United States for a district in which a violation of this title occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of this title.

Courts, U.S.

SEC. 1005. EFFECTIVE DATE.

22 USC 5201 note.

(a) EFFECTIVE DATE.—Provisions of this title shall take effect 90 days after the date of enactment of this Act.

(b) TERMINATION.—The provisions of this title shall cease to have effect if the President certifies in writing to the President pro tempore of the Senate and the Speaker of the House that the Palestine Liberation Organization, its agents, or constituent groups thereof no longer practice or support terrorist actions anywhere in the world.

TITLE XI—GLOBAL CLIMATE PROTECTION

Global Climate Protection Act of 1987.
Environmental protection.
Pollution.
15 USC 2901 note.

SEC. 1101. SHORT TITLE.

This title may be cited as the "Global Climate Protection Act of 1987".

101 STAT. 1408

SEC. 1102. FINDINGS.

15 USC 2901 note.

The Congress finds as follows:

(1) There exists evidence that manmade pollution—the release of carbon dioxide, chlorofluorocarbons, methane, and other trace gases into the atmosphere—may be producing a long-term and substantial increase in the average temperature on Earth, a phenomenon known as global warming through the greenhouse effect.

(2) By early in the next century, an increase in Earth temperature could—

(A) so alter global weather patterns as to have an effect on existing agricultural production and on the habitability of large portions of the Earth; and

(B) cause thermal expansion of the oceans and partial melting of the polar ice caps and glaciers, resulting in rising sea levels.

(3) Important research into the problem of climate change is now being conducted by various United States Government and international agencies, and the continuation and intensification of those efforts will be crucial to the development of an effective United States response.

(4) While the consequences of the greenhouse effect may not be fully manifest until the next century, ongoing pollution and deforestation may be contributing now to an irreversible process. Necessary actions must be identified and implemented in time to protect the climate.

(5) The global nature of this problem will require vigorous efforts to achieve international cooperation aimed at minimizing and responding to adverse climate change; such international cooperation will be greatly enhanced by United States leadership. A key step in international cooperation will be the meeting of the Governing Council of the United Nations Environment Program, scheduled for June 1989, which will seek to determine a direction for worldwide efforts to control global climate change.

International organizations.

(6) Effective United States leadership in the international arena will depend upon a coordinated national policy.

15 USC 2901 note.

SEC. 1103. MANDATE FOR ACTION ON THE GLOBAL CLIMATE.

International agreements. Research and development. Science and technology.

(a) GOALS OF UNITED STATES POLICY.—United States policy should seek to—

(1) increase worldwide understanding of the greenhouse effect and its environmental and health consequences;

(2) foster cooperation among nations to develop more extensive and coordinated scientific research efforts with respect to the greenhouse effect;

(3) identify technologies and activities to limit mankind's adverse effect on the global climate by—

(A) slowing the rate of increase of concentrations of greenhouse gases in the atmosphere in the near term; and

(B) stabilizing or reducing atmospheric concentrations of greenhouse gases over the long term; and

(4) work toward multilateral agreements.

President of U.S.

(b) FORMULATION OF UNITED STATES POLICY.—The President, through the Environmental Protection Agency, shall be responsible for developing and proposing to Congress a coordinated national

101 STAT. 1409

policy on global climate change. Such policy formulation shall consider research findings of the Committee on Earth Sciences of the Federal Coordinating Council on Science and Engineering Technology, the National Academy of Sciences, the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautic and Space Administration, the Department of Energy, the Environmental Protection Agency, and other organizations engaged in the conduct of scientific research.

(c) COORDINATION OF UNITED STATES POLICY IN THE INTERNATIONAL ARENA.—The Secretary of State shall be responsible to coordinate those aspects of United States policy requiring action through the channels of multilateral diplomacy, including the United Nations

President of U.S.

Environment Program and other international organizations. In the formulation of these elements of United States policy, the Secretary of State shall, under the direction of the President, work jointly with the Administrator of the Environmental Protection Agency and other United States agencies concerned with environmental protection, consistent with applicable Federal law.

15 USC 2901 note.

SEC. 1104. REPORT TO CONGRESS.

Not later than 24 months after the date of enactment of this Act, the Secretary of State and the Administrator of the Environmental Protection Agency shall jointly submit to all committees of jurisdiction in the Congress a report which shall include—

(1) a summary analysis of current international scientific understanding of the greenhouse effect, including its environmental and health consequences;

(2) an assessment of United States efforts to gain international cooperation in limiting global climate change; and

(3) a description of the strategy by which the United States intends to seek further international cooperation to limit global climate change.

15 USC 2901 note.

SEC. 1105. INTERNATIONAL YEAR OF GLOBAL CLIMATE PROTECTION.

In order to focus international attention and concern on the problem of global warming, and to foster further work on multilateral treaties aimed at protecting the global climate, the Secretary of State shall undertake all necessary steps to promote, within the United Nations system, the early designation of an International Year of Global Climate Protection.

Union of Soviet Socialist Republics. 15 USC 2901 note.

SEC. 1106. CLIMATE PROTECTION AND UNITED STATES-SOVIET RELATIONS.

In recognition of the respective leadership roles of the United States and the Soviet Union in the international arena, and of their joint role as the world's two major producers of atmospheric pollutants, the Congress urges that the President accord the problem of

climate protection a high priority on the agenda of United States-Soviet relations.

TITLE XII—REGIONAL FOREIGN RELATIONS MATTERS

PART A—SOVIET UNION AND EASTERN EUROPE

SEC. 1201. SOVIET BALLISTIC MISSILE TESTS NEAR HAWAII.

(a) FINDINGS.—The Congress finds that— 101 STAT. 1410

(1) the Union of Soviet Socialist Republics and the United States are presently negotiating a reduction of nuclear weapons and have recently concluded an agreement with respect to reducing the risks of accidental nuclear war;

(2) the Soviet Union has recently conducted two tests of its heavy intercontinental ballistic missiles over trajectories similar to those which could be used in actual attacks on the Hawaiian Islands;

(3) the announced impact points for reentry vehicles from these tests could have resulted in the overflight of sovereign United States territory, namely the Hawaiian Islands;

(4) the Soviet Union reportedly encrypted telemetry from the flight tests in potential violation of the provisions of bilateral arms control agreements;

(5) the Soviet Union used a directed energy device, believed to be a laser, to irradiate a United States military aircraft in international airspace that was monitoring the tests, having the potential effect of interfering with our national technical means of verification;

(6) had this test misfired, Soviet ballistic missile test reentry vehicles could have landed among the Hawaiian Islands; and

(7) the United States does not test strategic missiles in the direction of or in close proximity to sovereign Soviet territory.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the actions of the Soviet Union in testing intercontinental ballistic missiles in the Hawaiian region and irradiating United States monitoring aircraft are provocative, unnecessary, and inconsistent with behavior designed to reduce the risk of nuclear war;

(2) the United States Government—

(A) should officially and at the highest levels protest these actions by the Soviet Union and should inform the Soviet Union that it cannot tolerate flight tests in close proximity to sovereign United States territory or interference with United States monitoring aircraft; and

(B) should seek Soviet assurances that such missile testing near United States territory and irradiation of United States territory and irradiation of United States aircraft will not occur in the future; and

(3) the President should, within 10 days of the date of enactment of this Act, report to the Congress in both classified and unclassified form, on— President of U.S. Reports. Classified information.

(A) the details of these Soviet missile tests, including the irradiation of the United States monitoring aircraft;

(B) Soviet explanations offered in response to United States protests; and

(C) what steps will be taken to ensure that such activities will not happen in the future.

SEC. 1202. EMIGRATION OF JEWS AND OTHERS WHO WISH TO EMIGRATE FROM THE SOVIET UNION. Human rights.

It is the sense of the Congress that the Government of the Soviet Union should—

(1) permit the emigration of Jews and others who wish to emigrate from the Soviet Union;

(2) remove restrictions on the practice of religion and the exercise of cultural rights; and

101 STAT. 1411

(3) cease the official harassment of individuals who wish to emigrate, practice their religion, exercise their cultural rights, *or engage in free intellectual pursuits.*

SEC. 1203. SYSTEMATIC NONDELIVERY OF INTERNATIONAL MAIL ADDRESSED TO CERTAIN PERSONS RESIDING WITHIN THE SOVIET UNION.

It is the sense of the Congress that—

(1) the President should express to the Government of the Soviet Union the disapproval of the United States regarding the systematic nondelivery of international mail; and

International organizations.

(2) at the Congress of the Universal Postal Union in Washington, District of Columbia, in 1989, the Department of State should bring to the attention of other member countries of the Universal Postal Union patterns of nondelivery of international mail by the Soviet Union contrary to the Acts of the Universal Postal Union and the delegation of the United States should ask other member countries to support the adoption of amendments to the Universal Postal Convention and other measures to encourage improved postal performance by the Soviet Union.

Human rights.

SEC. 1204. UNITED STATES POLICY AGAINST PERSECUTION OF CHRISTIANS IN EASTERN EUROPE AND THE SOVIET UNION.

It is the sense of the Congress that—

(1) the President should continue to express to the governments of the Union of Soviet Socialist Republics and Eastern European countries the deep concern and opposition of the United States with respect to the harassment of Christians and other religious believers;

International organizations.

(2) the governments of the Union of Soviet Socialist Republics and Eastern European countries should comply with their commitments under the United Nations Universal Declaration of Human Rights, the International Covenants on Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Madrid Concluding Document; and

(3) the governments of the Union of Soviet Socialist Republics and Eastern European countries should immediately cease persecuting individuals on the basis of their faith and should afford Christians and other believers their internationally recognized right to freedom of religion.

SEC. 1205. OBSERVANCE BY THE GOVERNMENT OF ROMANIA OF THE HUMAN RIGHTS OF HUNGARIANS IN TRANSYLVANIA.

The Congress deplores activities of the Government of the Socialist Republic of Romania restricting the internationally recognized human rights of Hungarians and other nationalities in Transylvania and elsewhere in Romania.

Human rights.

SEC. 1206. SELF-DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES OF ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Congress that—

(1) the continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence from the Soviet Union should be recognized; and

(2) the President should—

101 STAT. 1412

(A) direct world attention to the right of self-determination of the people of the Baltic States by issuing on July 26, 1988, a statement that officially informs all member nations of the United Nations of the support of the United States for self-determination of all peoples and nonrecognition of the forced incorporation of the Baltic States into the Soviet Union;

(B) call attention to violations of internationally recognized human rights in the Baltic States; and

(C) promote compliance with the human rights and humanitarian provisions of the Helsinki Final Act of the Conference on Security and Cooperation in Europe in the Baltic States.

SEC. 1207. ASSISTANCE IN SUPPORT OF DEMOCRACY IN POLAND.

(a) SUPPORT FOR SOLIDARITY.—It is the sense of the Congress that—

(1) Solidarity deserves special praise and recognition as the only free and independent trade union in Poland;

(2) Solidarity reflects the Polish people's desire for free and democratic institutions and activities; and

(3) Solidarity is one of the leading democratic representatives of the Polish working people.

(b) ASSISTANCE IN SUPPORT OF DEMOCRACY IN POLAND.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for fiscal year 1988, not less than $1,000,000 shall be available only for the unconditional support of democratic institutions and activities in Poland. |

PART B—LATIN AMERICA AND CUBA

SEC. 1211. CUBAN HUMAN RIGHTS VIOLATIONS AND THE FAILURE OF THE UNITED NATIONS TO PLACE CUBA ON ITS HUMAN RIGHTS AGENDA.

International organizations.

(a) FINDINGS.—The Congress finds that—

(1) the Universal Declaration of Human Rights, which was adopted and proclaimed by the General Assembly of the United Nations, states in paragraph 2 of Article 13 that "Everyone has the right to leave any country, including his own, and to return to his country";

(2) the Universal Declaration of Human Rights states in Article 19 that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers";

(3) the Government of Cuba has violated the Cuban people's internationally recognized human rights, including freedom of movement, emigration, opinion, and expression;

(4) Cuban human rights violations are a major obstacle to improved United States-Cuban relations; and

(5) the United Nations Human Rights Commission has acted selectively in addressing human rights violations in various countries and has failed to place Cuba on its agenda despite overwhelming evidence of the continuing disregard and systematic abuse of internationally recognized human rights by the Government of Cuba.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that— 101 STAT. 1413

(1) the Government of Cuba should respect internationally recognized human rights, including freedom of movement, emigration, opinion, and expression; and

(2) the United States delegation to the United Nations should continue its commendable efforts to bring this issue before the attention of the United Nations and to place Cuban human rights abuses on the agenda of the United Nations Human Rights Commission.

(c) DISTRIBUTION OF TEXT TO U.N. MEMBERS.—The Secretary of State shall cause the text of this section to be circulated by the United States among the members of the United Nations in order to highlight Cuba's behavior in violation of the Universal Declaration of Human Rights.

SEC. 1212. PARTIAL LIFTING OF THE TRADE EMBARGO AGAINST NICARAGUA.

It is the sense of Congress that the President should exempt from the trade embargo against Nicaragua those items which would benefit Nicaragua's independent print and broadcast media, private

sector and trade union groups, nongovernmental service organizations, and the democratic civic opposition.

Alfonso Guerrero Ulloa. Mexico.

SEC. 1213. TERRORIST BOMBING IN HONDURAS.

(a) FINDINGS.—The Congress finds that—

(1) a terrorist bomb exploded on August 8, 1987, in the China Palace restaurant in Comayagua, Honduras;

(2) the bomb was directed at American soldiers and did in fact wound American soldiers and an American contractor;

(3) the United States military personnel were in Honduras assigned to Joint Task Force Bravo;

(4) Honduran authorities have named Alfonso Guerrero Ulloa as a suspect in this act of terrorism and have a warrant for his arrest;

(5) the Government of Mexico, contrary to accepted norms of international law on harboring terrorists, has granted asylum to Mr. Guerrero; and

(6) the United States Government has protested to the Government of Mexico.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the United States Congress deplores the harboring of international terrorists, and

(2) the United States Government should call upon the Government of Mexico to turn Mr. Guerrero over to the Government of Honduras.

SEC. 1214. HUMAN RIGHTS IN PARAGUAY.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Paraguay systematically has violated the internationally recognized human rights of its citizens;

(2) various provisions of Paraguayan law provide for the detention of individuals without trial for an indefinite period of time;

(3) the police authorities in Paraguay arbitrarily arrest and detain individuals; and

(4) the police authorities have tortured and abused prisoners, resulting in the death of a number of detainees.

101 STAT. 1414

(b) SENSE OF CONGRESS.—The Congress expresses its outrage at the human rights abuses specified in subsection (a), pledges to continually speak out against all governments which commit such abuses, and urges the Government of Paraguay to respect the internationally recognized human rights of its citizens.

PART C—AFRICA

SEC. 1221. HUMAN RIGHTS IN ETHIOPIA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Ethiopia has systematically violated the internationally recognized human rights of its citizens;

(2) the Government of Ethiopia holds large numbers of political prisoners and regularly detains without trial many other political opponents of the government;

(3) the Government of Ethiopia engages in torture and ill-treatment of political prisoners;

(4) reliable reports indicate that many political opponents of the Government of Ethiopia "disappear" and that approximately sixty political prisoners were executed in October 1985 without benefit of trial; and

(5) over one million Ethiopians have fled the country.

(b) SENSE OF CONGRESS.—The Congress expresses its outrage at the human rights abuses specified in subsection (a), pledges to continually speak out against all governments which commit such abuses, and urges the Government of Ethiopia to respect the internationally recognized human rights of its citizens.

SEC. 1222. UNITED STATES POLICY ON ANGOLA.

(a) FINDINGS.—The Congress finds that—

(1) it is in the interest of peace and economic development in southern Africa for the President and the Secretary of State to discuss the conflict in Angola with Soviet leaders; Union of Soviet Socialist Republics. Cuba. President of U.S.

(2) the President has stated that the resolution of regional conflicts such as Angola, Afghanistan, and Nicaragua is critical to improvements in Soviet-American relations;

(3) the proposed summit between President Reagan and Secretary General Gorbachev provides the United States with an opportunity to encourage complete Soviet-Cuban withdrawal from Angola, the possible provision of humanitarian assistance, and the holding of free and fair elections; President of U.S. Mikhail Gorbachev.

(4) the Marxist regime in Angola known as the Popular Movement for Liberation of Angola (hereafter in this section referred to as the "MPLA") is currently launching a major dry-season offensive against the opposition involving thousands of Cuban troops and billions of dollars in sophisticated Soviet weaponry;

(5) the people of Angola are starving because of the hardships resulting from 12 years of civil war and inefficient Marxist economic policies;

(6) the MPLA regime has turned to the international community for substantial food aid while continuing to spend most of Angola's national budget on sustaining the war effort, including payments for Cuban troops and Soviet arms; and

(7) the growing intensity of the war, the starvation and mounting suffering of the Angolan people, the continued presence in Angola of 37,000 Cuban combat troops and South African forces, the continued presence and active involvement of 2,500 Soviet military advisers, and the refusal of the MPLA to negotiate with the opposition, increase the urgency of reaching a peaceful solution. South Africa.

101 STAT. 1415

(b) POLICY.—It is the sense of the Congress that—

(1) the United States should continue to work toward a peaceful resolution to the Angolan conflict that includes—

(A) the complete withdrawal of all foreign forces and Soviet military advisers;

(B) a negotiated settlement to the 12-year conflict leading to the formation of a government of national unity and the holding of free and fair elections; and

(C) efforts by the President and the Secretary of State to convey to Soviet leaders at the proposed summit and in other meetings that the aggressive military build-up in Angola undermines positive bilateral relations and that the United States is committed to supporting democratic forces in Angola until democracy is achieved; President of U.S.

(2) the people of Angola should not be left to starve because of the MPLA regime; Human rights.

(3) the United States should consider responding to the humanitarian needs of the Angolan people, and if humanitarian assistance is provided, such assistance should be distributed in an evenhanded manner, so that Angolans throughout the entire war-torn country are provided with food and basic medical care; Human rights.

(4) any humanitarian assistance should be distributed through private and voluntary organizations or nongovernmental organizations; and

(5) within 180 days after the date of the enactment of this Act, the Secretary of State should prepare and transmit to the Congress a report detailing the progress of discussions between the Soviet Union and the United States on the conflict in Angola. Reports.

SEC. 1223. FORCED DETENTION BY THE AFRICAN NATIONAL CONGRESS AND THE SOUTH AFRICAN GOVERNMENT. Human rights. Reports.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on any

detention camps maintained by the African National Congress and on detention in South Africa since the South African Government enacted a State of Emergency in June 1986.

Human rights.

SEC. 1224. DETENTION OF CHILDREN IN SOUTH AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of South Africa under its system of apartheid repeatedly has detained black children without charge or trial, and has denied parental access to these children for extended periods of time;

(2) the Detainees' Parents' Support Committee of South Africa has compiled information estimating that more than 25,000 people were detained since June 12, 1986, under state of emergency regulations, and approximately 10,000 of these were children, including some as young as age 10;

(3) the Government of the Republic of South Africa has stated on numerous occasions that it has detained children without charge, and that on a certain day in December 1986, 256 children under the age of 16 were in detention; that on a certain day in February 1987, 281 children under the age of 15 were in detention; that on a certain day in April 1987, 1,424 children under the age of 18 were in detention; and that on a certain day in May 1987, 280 children under the age of 16 were in detention; and that as of June 2, stated that eleven children under the age of 16 were in detention; and as of October, 69 children under the age of 18 are still in detention; and

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(4) human rights groups in South Africa estimate that many more children have been detained under state of emergency regulations than the Government of the Republic of South Africa admits;

(5) the state of emergency regulations allow for the detention of individuals without charge for an indefinite period of time; and

Edward J. Perkins.

(6) the United States Ambassador to South Africa Edward J. Perkins has stated that such detentions are "a most serious abuse of human rights, particularly so where detainees are children as young as 11".

(b) POLICY.—The Congress hereby—

(1) calls for the cessation of the practice of detaining children under 18 years of age without charge or trial in South Africa;

(2) calls for the South African Government either to release all children in South Africa held under state of emergency regulations and other laws which authorize detention without charge or, in those cases where an internationally recognized criminal act has allegedly been committed, charge them and allow them their rights of a fair and public trial;

(3) pending the release of the children, calls on the Government of the Republic of South Africa to—

(A) permit the detained children immediate and frequent access to parents and legal counsel;

(B) make public the names and locations of all the detained children;

(C) provide the detained children with adequate food, clothing, and protection; and

(D) permit a recognized, independent, and impartial international humanitarian organization to verify that the provisions of this section are being carried out and that the detained children are not being abused, tortured, or held in solitary confinement, and are not being held in detention in the company of adults; and

(4) calls for the apprehension and trial of all those individuals who execute children by violent activities, including necklacing, and the cessation of these activities.

PART D—MIDDLE EAST

SEC. 1231. MIDDLE EAST PEACE CONFERENCE.

International organizations. Israel. Union of Soviet Socialist Republics.

(a) FINDINGS.—The Congress finds that—

(1) the General Assembly of the United Nations recognized the sovereignty of the State of Israel through Resolution 181 of 1947 and the right of all Israeli citizens to live within secure and recognized boundaries through Resolutions 242 and 338 of 1973;

(2) the Government of the Soviet Union severed diplomatic relations with the State of Israel in 1967 and has opposed every recent United States initiative for direct, bilateral negotiations among the warring parties of the Middle East including the Camp David accords of 1979 and the Reagan plan of 1982;

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(3) the Government of the Soviet Union has further demonstrated its lack of respect for the integrity of the Israeli state by systematically denying exit visas to Soviet Jews who wish to live and work in the State of Israel; and

Human rights.

(4) a permanent and equitable settlement of the Middle Eastern conflict can result only from agreements between the Arab States and Israel.

(b) POLICY.—It is the sense of the Congress that the United States should not actively encourage the participation of the Soviet Union in any conference, meeting, or summit on the Arab-Israeli conflict which includes nations other than those in the Middle East unless the Government of the Soviet Union has either—

(1)(A) reestablished diplomatic relations with the State of Israel at the ambassadorial level;

(B) publicly reaffirmed its acceptance of United Nations Resolutions 242 and 338; and

(C) substantially increased and maintained the number of exit visas granted to Jewish individuals and families within the Soviet Union who have applied for emigration to the State of Israel; or

Human rights.

(2) been jointly invited by the governments of the states in the region involved in the talks.

SEC. 1232. UNITED STATES POLICY TOWARD LEBANON.

Agriculture and agricultural commodities. Hunger.

(a) FINDINGS.—The Congress makes the following findings:

(1) After nearly 13 years of civil conflict and foreign intervention, the situation in Lebanon appears no closer to resolution.

(2) Through most of the last dozen years, the Lebanese have managed to continue economic activity sufficient to stave off economic collapse and provide its citizens with basic necessities.

(3) During the past year, however, the collapse in the value of the Lebanese pound from less than 40 to the dollar to nearly 300 has made the importation of wheat, rice, and other basic commodities prohibitively expensive.

(4) As a result, for the first time, the Lebanese are faced with the prospect of starvation.

(5) Hizballah and other radical elements are taking advantage of the current economic crisis by providing foreign supplied food. In so doing, they are winning converts to their cause and radicalizing the youth.

(6) It is in the interest of the United States to support the traditional Lebanese free enterprise system of distribution of food which until now has been able to compete successfully with these radical movements.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should base its policy toward Lebanon on the following principles:

(1) Preservation of the unity of Lebanon.

(2) Withdrawal of all foreign forces from Lebanon.

(3) Recognition of and respect for the territorial integrity of Lebanon.

(4) Reassertion of Lebanese sovereignty throughout the nation and recognition that it is the responsibility of the Government of Lebanon for its safekeeping.

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Terrorism

(5) Reestablishment of the authority of the Government of Lebanon throughout the nation is a prerequisite for a lasting solution to the problem of international terrorism emanating from Lebanon.

(c) FURTHER SENSE OF CONGRESS.—It is the further sense of Congress that the provision of at least 200,000 tons of wheat and 30,000 tons of rice through Public Law 480, title I and section 416 of the Agriculture Act of 1949 to the Government of Lebanon is in the interest of the United States. Provision of this assistance will meet the United States policy objective of strengthening the Central Government as well as helping alleviate a serious hunger problem.

Maritime affairs.

SEC. 1233. ACTING IN ACCORDANCE WITH INTERNATIONAL LAW IN THE PERSIAN GULF.

(a) FINDINGS.—The Congress makes the following findings:

(1) According to Article 2 of the 1958 Geneva Convention on the High Seas, every state is entitled to exercise free and open use of the high seas for the navigation of its vessels.

Armed Forces
Iran

(2) On September 22, 1987, United States Navy forces discovered the Iranian ship Iran Ajr laying mines in international waters of the Persian Gulf, and fired upon that ship to help terminate the mining.

President of U.S.

(3) On September 23, 1987, President Reagan declared that this United States action was "authorized by law", and a statement was issued by the State Department that the United States had the right under international law to use "reasonable and proportionate force" to terminate the mining.

(b) POLICY.—It is the sense of the Congress that—

Iran

(1) by mining the high seas of the Persian Gulf without notifying nonbelligerent nations engaged in maritime commerce, the Government of Iran violated international law;

Armed Forces

(2) the use of force by the United States Navy to terminate that Iranian mining was justified under international law; and

(3) fostering broader adherence to international law promotes the security interests of the United States.

SEC. 1234. UNITED STATES POLICY TOWARD THE IRAN-IRAQ WAR.

(a) FINDINGS.—The Congress finds that—

(1) the continuation of the Iran-Iraq war threatens the security and stability of all states in the Persian Gulf;

Petroleum and petroleum products.

(2) stability in the Persian Gulf and the flow of oil is critical to world trade and the economic health of the West;

(3) the conflict between Iran and Iraq threatens United States strategic and political interests in the region;

(4) the conflict threatens international commercial shipping interests and activities; and

(5) the Iran-Iraq war has continued seven years with more than 1,500,000 casualties.

International organizations.

(b) POLICY.—The Congress declares it to be the policy of the United States consistent with United Nations Security Council Resolution 598—

(1) to support the withdrawal of both Iran and Iraq to internationally recognized boundaries;

(2) to support an immediate cease-fire;

(3) to endorse the peaceful resolution of this conflict under the auspices of the United Nations;

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(4) to encourage all governments to refrain from providing military supplies to any party which refuses to abide by United Nations Security Council Resolution 598;

Terrorism.

(5) to recognize that stability and security in the Persian Gulf will only be achieved if Iran and Iraq are at peace and agree not to interfere in the affairs of other nations through military action or the support of terrorism; and

(6) to urge strict observance of international humanitarian law by both sides and to support financially the International Committee of the Red Cross' special appeal for prisoners of war.

SEC. 1235. IRAN HUMAN RIGHTS VIOLATIONS.

(a) FINDINGS.—The Congress finds that— International organizations

(1) the United Nations has passed nine resolutions condemning the violation of human rights in Iran;

(2) the United Nations Subcommission on Prevention of Discrimination and Protection of Minorities stressed in Resolution 1987-12 that to date, more than two-hundred thousand Iranians have been imprisoned, tortured or executed because of their beliefs;

(3) the United Nations Commission on Human Rights confirms seven thousand executions in Iran between 1978 and 1985, and attests that the actual number is probably much higher;

(4) despite the persistent requests over the past six years by the United Nations and by many human rights organizations that the Iranian Government allow a special representative of the United Nations Security Council to inspect Iranian prisons and to determine the true extent of torture in Iran, such requests have been ignored by the Iranian Government;

(5) executions, including executions of children and members of religious minorities, still take place in Iran;

(6) the Khomeini government has brought the domestic economy of Iran to the brink of ruin by pouring the resources of the country into war making;

(7) Iran has rejected all proposals to end the seven year Iran-Iraq war;

(8) Iran has not responded positively to United Nations Security Council Resolution 598 which calls for an end to the Iran-Iraq war;

(9) the Khomeini government continues to attack and intimidate the other countries of the Persian Gulf region; and

(10) it is known that the Khomeini government supports terrorism and has used hostage taking as an instrument of foreign policy. Terrorism

(b) POLICY.—Now, therefore, the Congress—

(1) expresses concern for those citizens who must endure war and unprecedented repression;

(2) supports an official United States policy of completely halting the shipment of any kind of armament to the Government of Iran; and

(3) urges that the President continue to make every effort to cooperate with the other nations of the United Nations to bring about an end to government sponsored torture in Iranian prisons, to pressure Iran to permit inspection of Iranian prisons by an international delegation, and to respect internationally recognized human rights. President of U.S.

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SEC. 1236. IRANIAN PERSECUTION OF THE BAHA'IS. Human rights.

(a) POLICY.—It is the sense of the Congress that—

(1) the Government of Iran has systematically discriminated against the Baha'i community, including the arbitrary detention, torture, and killing of Baha'is, the seizure of Baha'i property, and the outlawing of the Baha'i faith; and

(2) Iran's gross violations of the human rights of the Baha'i community are in direct contravention of the Charter of the United Nations and the United Nations Declaration of Human Rights.

(b) IMPLEMENTATION OF POLICY.—It is the sense of Congress that the President shall take all necessary steps to focus international attention on the plight of the Baha'i community and to bring pressure to bear on the Government of Iran to cease its insidious policy of persecution.

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PART E—ASIA

Human rights

SEC. 1241. SOVIET OCCUPATION OF AFGHANISTAN.

(a) FINDINGS ON SOVIET ACTIONS IN AFGHANISTAN.—The Congress finds that—

(1) the Soviet Union has been waging war against the people of Afghanistan since the invasion of December 25, 1979;

(2) the victims of the Soviet invasion and occupation include more than 1,000,000 dead and more than 3,000,000 Afghans forced to find refuge in neighboring countries;

(3) Soviet military tactics have included the bombing and napalming of villages without regard to the human toll, the destruction of crops, agricultural land, and orchards so as to create famine conditions, and the massacre of hostages and other innocent civilians;

Children and youth

(4) children have been particular victims of Soviet aggression, with some being targeted for death by the dropping of booby-trapped toys while other children have been transported to the Soviet Union for indoctrination;

(5) the Soviet-installed puppet regime has engaged in a consistent pattern of gross violations of the human rights of its own citizens, including torture and summary execution, for which its Soviet sponsors must also be held accountable; and

(6) Soviet actions in Afghanistan constitute a violation of international law and of accepted norms of human decency and, therefore, must be condemned by civilized people everywhere.

(b) FINDINGS ON THE AFGHAN RESISTANCE.—The Congress further finds that—

(1) the Afghan people have heroically resisted the Soviet invaders in spite of the tremendous cost of so doing and now control most of their homeland;

(2) the provision of effective assistance to the Afghan people is an obligation of those who cherish freedom;

(3) a total and prompt withdrawal of all Soviet forces from Afghanistan is essential in order for the Afghan people to exercise their inalienable human right to self-determination; and

(4) a negotiated settlement providing for the total and prompt withdrawal of Soviet forces offers the best prospect for an early end to the suffering of the Afghan people.

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(c) DECLARATION OF POLICY.—The Congress, therefore, declares it to be the policy of the United States—

(1) to provide such assistance to the Afghan people as will most effectively help them resist the Soviet invaders;

(2) to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria; and

(3) to communicate clearly to the Government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union.

President of U.S.

(d) PROVISION OF ASSISTANCE.—The President and Secretary of State are directed to adopt policies and programs to ensure that all assistance intended for the Afghan people reaches its intended recipients and that theft or diversion of such assistance not be tolerated.

SEC. 1242. REPORT ON ADMINISTRATION POLICY ON AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

Union of Soviet Socialist Republics

(1) each of the substantive sanctions imposed on the Soviet Union by the United States to protest the Soviet invasion of Afghanistan have been lifted;

(2) although the administration's policy on Afghanistan states that only "steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the politi-

cal decision to negotiate the withdrawal of their forces", political and diplomatic pressures on the Soviet Union have decreased rather than increased;

(3) in the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to unilaterally implement numerous programs to bring "steadily increasing pressure" to bear on the Soviet Union; and

(4) despite the failure of Soviet troops to withdraw from Afghanistan, and the serious deterioration with regard to the situation of human rights in Afghanistan, the administration is planning to lift further sanctions and initiate increasing areas of cooperation with the Soviet Union. Human rights.

(b) REPORT TO CONGRESS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee with a report listing each sanction imposed against the Soviet Union by the United States since the first anniversary of the Soviet invasion of Afghanistan, a detailed explanation for the lifting of each sanction, and a detailed analysis of the benefit to the Soviet Union incurred by the lifting of each sanction.

(2) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee a comprehensive list of all areas of ongoing cooperation that could be withheld from the Soviet Union.

(3) Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall provide the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee with a detailed and comprehensive report in a suitably classified form, and in an unclassified form, containing the disposition of Soviet military forces in the Afghanistan region and an account of any troop withdrawals and any new troop deployments. Classified information.

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SEC. 1243. HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA. Dalai Lama.

(a) FINDINGS.—The Congress finds that—

(1) on October 1, 1987, Chinese police in Lhasa fired upon several thousand unarmed Tibetan demonstrators, which included hundreds of women, children, and Tibetan Buddhist monks, killing at least six and wounding many others;

(2) on September 27, 1987, a peaceful demonstration in Lhasa calling for Tibetan independence and the restoration of human rights in Tibet, which was led by hundreds of Tibetan monks, was violently broken up by Chinese authorities and 27 Tibetan Buddhist monks were arrested;

(3) in the wake of His Holiness the Dalai Lama's five point peace plan, which was presented to Members of the United States Congress during his visit to Washington in September 1987, Chinese authorities in Tibet staged, on September 24, 1987, a mass political rally at which three Tibetans were given death sentences, two of whom were executed immediately;

(4) beginning October 7, 1950, the Chinese Communist army invaded and occupied Tibet;

(5) since that time, the Chinese Government has exercised dominion over the Tibetan people, who had always considered themselves as independent, through the presence of a large occupation force;

(6) over 1,000,000 Tibetans perished from 1959 to 1979 as a direct result of the political instability, executions, imprisonment, and widescale famine engendered by the policies of the People's Republic of China in Tibet;

(7) after 1950, particularly during the ravages of China's Cultural Revolution, over 6,000 monasteries, the repositories of 1,300 years of Tibet's ancient civilization, were destroyed and their irreplaceable national legacy of art and literature either destroyed, stolen, or removed from Tibet;

(8) the exploitation of Tibet's vast mineral, forest, and animal reserves has occurred with limited benefit to the Tibetan people;

(9) Tibet's economy and education, health, and human services remain far below those of the People's Republic of China as a whole;

(10) the People's Republic of China has encouraged a large influx of Han-Chinese into Tibet, thereby undermining the political and cultural traditions of the Tibetan people;

(11) there are credible reports of many Tibetans being incarcerated in labor camps and prisons and killed for the nonviolent expression of their religious and political beliefs;

(12) His Holiness the Dalai Lama, spiritual and temporal leader of the Tibetan people, in conjunction with the 100,000 refugees forced into exile with him, has worked tirelessly for almost 30 years to secure peace and religious freedom in Tibet, as well as the preservation of the Tibetan culture;

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International organizations

(13) in 1959, 1961, and 1965, the United Nations General Assembly called upon the People's Republic of China to end the violations of Tibetans' human rights;

Li Xiannian

(14) on July 24, 1985, 91 Members of the Congress signed a letter to President Li Xiannian of the People's Republic of China expressing support for direct talks between Beijing and representatives of His Holiness the Dalai Lama and the Tibetans in exile, and urging the Government of the People's Republic of China "to grant the very reasonable and justified aspirations of His Holiness the Dalai Lama and his people every consideration";

Zhao Ziyang

(15) on September 27, 1987, the chairman and ranking minority member of the Senate Foreign Relations Committee, the chairman and ranking minority member of the House Foreign Affairs Committee, and the Co-Chairman of the Congressional Human Rights Caucus signed a letter to his Excellency Zhao Ziyang, the Prime Minister of the People's Republic of China, expressing their "grave concern with the present situation in Tibet and welcome(d) His Holiness the Dalai Lama's (five point) proposal as an historic step toward resolving the important question of Tibet and alleviating the suffering of the Tibetan people . . . (and) express(ing) their full support for his proposal."; and

(16) there has been no positive response by the Government of the People's Republic of China to either of these communications.

(b) STATEMENT OF POLICIES.—It is the sense of the Congress that—

(1) the United States should express sympathy for those Tibetans who have suffered and died as a result of fighting, persecution, or famine over the past four decades;

(2) the United States should make the treatment of the Tibetan people an important factor in its conduct of relations with the People's Republic of China;

(3) the Government of the People's Republic of China should respect internationally recognized human rights and end human rights violations against Tibetans;

(4) the United States should urge the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialogue on the future of Tibet;

(5) Tibetan culture and religion should be preserved and the Dalai Lama should be commended for his efforts in this regard;

Mongolia

(6) the United States, through the Secretary of State, should address and call attention to the rights of the Tibetan people, as well as other non-Han-Chinese within the People's Republic of

China such as the Uighurs of Eastern Turkestan (Xinjiang), and the Mongolians of Inner Mongolia;

(7) the President should instruct United States officials, including the United States Ambassadors to the People's Republic of China and India, to pay greater attention to the concerns of the Tibetan people and to work closely with all concerned about human rights violations in Tibet in order to find areas in which the United States Government and people can be helpful; and

President of U.S.

(8) the United States should urge the People's Republic of China to release all political prisoners in Tibet.

101 STAT. 1424

(c) TRANSFER OF DEFENSE ARTICLES.—With respect to any sale, licensed export, or other transfer of any defense articles or defense services to the People's Republic of China, the United States Government shall, consistent with United States law, take into account the extent to which the Government of the People's Republic of China is acting in good faith and in a timely manner to resolve human rights issues in Tibet.

(d) MIGRATION AND REFUGEE ASSISTANCE.—Within 60 days after the date of the enactment of this Act, the Secretary of State shall determine whether the needs of displaced Tibetans are similar to those of displaced persons and refugees in other parts of the world and shall report that determination to the Congress. If the Secretary makes a positive determination, of the amounts authorized to be appropriated for the Department of State for "Migration and Refugee Assistance" for each of the fiscal years 1988 and 1989, such sums as are necessary shall be made available for assistance for displaced Tibetans. The Secretary of State shall determine the best means for providing such assistance.

Reports.

Appropriation authorization.

(e) SCHOLARSHIPS.—For each of the fiscal years 1988 and 1989, the Director of the United States Information Agency shall make available to Tibetan students and professionals who are outside Tibet not less than 15 scholarships for study at institutions of higher education in the United States.

SEC. 1244. SUPPORT FOR THE RIGHT OF SELF-DETERMINATION FOR THE CAMBODIAN PEOPLE.

Vietnam.

(a) FINDINGS.—The Congress finds that—

(1) the Socialist Republic of Vietnam, in violation of its obligations under international law including the United Nations Charter, invaded Cambodia in December 1978;

(2) in January 1979, Vietnam installed a puppet government in Phnom Penh, Cambodia, headed by Heng Samrin;

Heng Samrin.

(3) eight years later Vietnam continues, with Soviet backing, to occupy Cambodia with some 140,000 troops;

Union of Soviet Socialist Republics.

(4) by invading and occupying Cambodia, the Government of the Socialist Republic of Vietnam violated its obligation, undertaken upon becoming a member of the United Nations in 1977, not to use force against the territorial integrity or political independence of any state;

(5) Vietnam has attempted to submerge Cambodian culture and heritage through the settlement of large numbers of Vietnamese in Cambodia;

(6) human rights observers have noted a pattern of torture, political detention, inhumane treatment, and other abuses of human rights by officials of the Vietnamese-backed puppet Cambodian regime;

Human rights.

(7) the Vietnamese occupation of Cambodia has compounded the hardship and suffering of a people which had previously suffered barbaric crimes of genocide under Pol Pot's Khmer Rouge and has caused hundreds of thousands of Cambodians to flee their own country;

Pol Pot.

(8) in recognition of the illegal occupation of Cambodia by the Vietnamese, the United Nations has refused to recognize the credentials of the Heng Samrin regime and has instead continued to recognize the credentials of the Government in Exile led by Prince Norodom Sihanouk;

Heng Samrin. Norodom Sihanouk.

101 STAT. 1425

(9) the member states of the United Nations for the eighth time, and by a record vote, approved a resolution at the forty-second session of the General Assembly calling for the withdrawal of foreign troops from Cambodia;

(10) the 1981 United Nations-sponsored International Conference on Kampuchea called for the early withdrawal of foreign troops and the holding of free elections under United Nations supervision;

(11) the Government of the Socialist Republic of Vietnam has thus far rejected the efforts of the Association of Southeast Asian Nations and supported by the United States to resolve the situation in Cambodia; and

(12) in the absence of a settlement, the non-Communist Cambodian forces continue to wage a war of resistance against Vietnamese occupation forces.

Pol Pot.

(b) STATEMENT OF POLICY.—The Congress—

(1) deplores the continued violation of the sovereignty and territorial independence of Cambodia by the Socialist Republic of Vietnam;

(2) calls upon the Government of the Socialist Republic of Vietnam to immediately withdraw all of its occupation forces from Cambodia and to negotiate a settlement which restores self-determination to the Cambodian people;

(3) believes that such negotiations and withdrawal by Vietnam, together with a satisfactory accounting of Americans still missing in action, would constitute positive steps that would help facilitate the prospect of an end to Vietnam's isolation in the world community and an improvement of its relations with the United States;

(4) supports the efforts of the member nations of the Association of Southeast Asian Nations (ASEAN), the United Nations Secretary General, and the non-Communist Cambodian people to achieve a political settlement which would include such elements as internationally supervised free and fair elections, as well as assurances that there will be no return to the genocidal policies of the Pol Pot regime;

(5) supports efforts to establish an international tribunal to bring to justice those Khmer Rouge leaders during the reign of Pol Pot, and any others, responsible for crimes of genocide against the Cambodian people; and

(6) calls upon the international community to observe a special day of remembrance—

(A) in recognition of the suffering of the Cambodian people under Pol Pot,

(B) in protest of the efforts of Vietnam to suppress the basic human rights, culture, and way of life of the Cambodian people, and

(C) in protest of the illegal occupation of Cambodia by Vietnamese troops.

SEC. 1245. HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Congress finds that—

(1) the advancement of human rights is a stated objective of the foreign policy of the United States;

(2) the constitutional guarantees of freedom of speech, press, and peaceful assembly have not been adequately respected in the People's Republic of China;

101 STAT. 1426

Religion.

(3) the exercise of religious activities has a detrimental effect on a participant's civil, social, and economic status within the People's Republic of China;

(4) the freedom of movement and the freedom to form independent trade unions and other voluntary associations are severely curtailed;

(5) there have been some encouraging developments including an effort by the current leadership of the People's Republic of China to develop economic policies without regard to a rigid application of Maoist ideology; and

(6) the American people desire to extend their moral support to the struggle for freedom and justice within the People's Republic of China.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the leadership of the People's Republic of China should take necessary steps toward establishing a more democratic society, with a free and open political system that will protect the essential human rights of all people living within that country.

SEC. 1246. DEMOCRACY IN TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) stability and peace prevail on the island of Taiwan and in the Western Pacific region;

(2) economic vitality, educational advancement, and social progress have created conditions favoring the furtherance of democracy in Taiwan;

(3) the people of Taiwan, in both national and local elections, have shown themselves fully capable of participating in a democratic political process;

(4) the authorities on Taiwan are nurturing a transition toward more truly democratic and representative political institutions, although a minority of the seats in the central legislature and central electoral college are filled through periodic elections, with the majority of seats still being held by individuals who took office in the late 1940s;

(5) on September 28, 1986, Taiwan's democratic opposition announced the formation of the Democratic Progressive Party;

(6) on October 7, 1986, President Chiang Ching-kuo, announced that the Kuomintang intended to end the state of martial law and to lift the ban on the creation of new political parties; Chiang Ching-kuo.

(7) the lifting of martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan; Human rights.

(8) the Kuomintang has indicated a desire over the next few years to make more representative Taiwan's central representative bodies, to broaden decisionmaking within the Nationalist Party, to enhance the rule of law, and to increase the powers of local-level government; and

(9) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan and an acceleration of progress toward a full democracy on Taiwan, including full respect for human rights, will strengthen United States ties with the people on Taiwan. Human rights.

(b) SENSE OF CONGRESS.—The Congress— 101 STAT. 1427

(1) welcomes the democratic trends emerging in Taiwan and commends the progress that has been made recently in advancing democratic institutions and values;

(2) welcomes the lifting of martial law and looks forward to the lifting of the ban on new political parties;

(3) encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions, in particular by—

(A) guaranteeing freedom of speech, expression, and assembly; and

(B) gradually moving toward a fully representative government, including the free and fair election of all members of all central representative bodies; and

(4) requests the American Institute in Taiwan to convey this Nation's continuing support for a democratic and prosperous Taiwan, as stated in the Taiwan Relations Act, and our encouragement for democracy to the leaders and the people of Taiwan.

PART F—MISCELLANEOUS

Japan.
Union of Soviet Socialist Republics.
Norway.
Espionage.
Defense and national security.

SEC. 1251. REPORTS ON ILLEGAL TECHNOLOGY TRANSFERS.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of the Congress a report concerning:

(1) The status of the Japanese Government investigation of the transfer of milling machines to the Soviet Union by Toshiba Machine Company, including any prosecution, fine, or other government action.

(2) The status of the Norwegian Government investigation of the transfer of numerical controllers by Kongsberg Vappenfabrik (KV) to the Soviet Union, including any prosecution, fine, or other government action.

(3) Actions undertaken by the Japanese and Norwegian Governments to ensure that such transfers or other breaches of security related to international espionage do not recur.

(4) Actions and plans of the United States Government to respond to such cases of international espionage.

(b) DISCUSSIONS.—The Secretary of State shall enter into discussions with Japan and Norway regarding compensation for damage to United States national security resulting from such cases of international espionage. The Secretary shall submit a preliminary report to the appropriate committees of the Congress concerning the status of such discussions 180 days after the date of enactment of this Act and shall submit a final report 360 days after the date of enactment of this Act. The Secretary may submit such other subsequent reports as may be appropriate.

SEC. 1252. REPORT ON PROGRESS TOWARD A WORLD SUMMIT ON TERRORISM.

President of U.S.

It is the sense of the Congress that the President should convene a summit meeting of Western world leaders to adopt a unified effective program against international terrorism.

101 STAT. 1428

SEC. 1253. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

Terrorism.

(a) FINDINGS.—The Congress finds that some citizens of the United States may be specially endangered during a hijacking or other terrorist incident by the fact that their place of birth appears on their United States passports.

(b) DISCUSSIONS.—The Congress urges the President to enter into discussions with other countries regarding the feasibility of a general agreement permitting the deletion of the place of birth as a required item of information on passports.

International organizations.
Japan.
Federal Republic of Germany.

SEC. 1254. SUPPORT OF MUTUAL DEFENSE ALLIANCES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Japan, the member nations of the North Atlantic Treaty Organization (NATO), and other countries rely heavily on the United States to protect their national security under mutual defense alliances.

(2) The United States spends tens of billions of dollars annually to assist in the defense of allies of the United States.

(3) The financial burden of mutual defense assumed by many NATO allies and particularly Japan is not commensurate with their economic resources, and, as a result, the United States bears a disproportionately large share of the financial burden of supporting such mutual defense.

(4) While the United States is currently spending 6.5 percent of its gross national product on defense, our NATO allies spend an average of 3.5 percent of their gross national products on defense and Japan spends only 1.0 percent of its gross national product on defense.

(5) United States allies, particularly West Germany and Japan, have derived tremendous economic benefit from the free trade system among the Western countries, accumulating in certain cases large payments surpluses, while protected through military alliances to which the United States has made an overwhelming commitment of resources.

(6) The greatest weakness in the ability of the United States to sustain the mutual defense of the United States and its allies is not the military capability of the United States, but rather the economic vulnerability of the United States.

(7) The Federal budget deficit must be reduced in order to revitalize the economy.

(8) The continued unwillingness of the allies of the United States to increase their contributions to the common defense to more appropriate levels could weaken the long-term vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(b) POLICY.—It is the sense of the Congress that—

(1) the President should enter into discussions with countries which participate in mutual defense alliances with the United States, especially the member nations of NATO and Japan, for the purpose of reaching an agreement on a more equitable distribution of the burden of financial support for the alliances;

(2) the objective of such discussions with the member nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for defense spending between those allies and the United States that is commensurate with their resources;

101 STAT. 1429

(3) the President should report to the Congress, within one year after the date of the enactment of this Act, on the progress of such discussions; and

President of U.S. Reports.

(4) if, in the judgment of the Congress, the President's report does not reflect substantial progress toward a more equitable distribution of defense expenses among the members of a mutual defense alliance, the Congress should review the extent of the distribution of the mutual defense burden among our allies and consider whether additional legislation is appropriate.

President of U.S. Reports.

SEC. 1255. ARMS EXPORT CONTROL ENFORCEMENT AND COORDINATION.

(a) EXPORT LICENSES.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

"(g)(1) The President shall develop appropriate mechanisms to identify, in connection with the export licensing process under this section—

President of U.S.

"(A) persons who are the subject of an indictment for, or have been convicted of, a violation under—

"(i) this section,

"(ii) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410),

"(iii) section 793, 794, or 798 of title 18, United States Code (relating to espionage involving defense or classified information),

Espionage. Defense and national security. Classified information.

"(iv) section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16),

"(v) section 206 of the International Emergency Economic Powers Act (relating to foreign assets controls; 50 U.S.C. App. 1705),

"(vi) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) or section 104 of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2),

"(vii) chapter 105 of title 18, United States Code (relating to sabotage),

Sabotage.

"(viii) section 4(b) of the Internal Security Act of 1950 (relating to communication of classified information; 50 U.S.C. 783(b)),

Classified information.

"(ix) section 57, 92, 101, 104, 222, 224, 225, or 226 of the Atomic Energy Act of 1954 (42 U.S.C. 2077, 2122, 2131, 2134, 2272, 2274, 2275, and 2276),

Classified information.

"(x) section 601 of the National Security Act of 1947 (relating to intelligence identities protection; 50 U.S.C. 421), or

"(xi) section 603 (b) or (c) of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5113 (b) and (c));

"(B) persons who are the subject of an indictment or have been convicted under section 371 of title 18, United States Code, for conspiracy to violate any of the statutes cited in subparagraph (A); and

"(C) persons who are ineligible—

"(i) to contract with,

"(ii) to receive a license or other form of authorization to export from, or

101 STAT. 1430

Imports.

"(iii) to receive a license or other form of authorization to import defense articles or defense services from,

any agency of the United States Government.

President of U.S.

"(2) The President shall require that each applicant for a license to export an item on the United States Munitions List identify in the application all consignees and freight forwarders involved in the proposed export.

"(3) If the President determines—

"(A) that an applicant for a license to export under this section is the subject of an indictment for a violation of any of the statutes cited in paragraph (1),

"(B) that there is reasonable cause to believe that an applicant for a license to export under this section has violated any of the statutes cited in paragraph (1), or

"(C) that an applicant for a license to export under this section is ineligible to contract with, or to receive a license or other form of authorization to import defense articles or defense services from, any agency of the United States Government,

President of U.S.

the President may disapprove the application. The President shall consider requests by the Secretary of the Treasury to disapprove any export license application based on these criteria.

"(4) A license to export an item on the United States Munitions List may not be issued to a person—

"(A) if that person, or any party to the export, has been convicted of violating a statute cited in paragraph (1), or

President of U.S.

"(B) if that person, or any party to the export, is at the time of the license review ineligible to receive export licenses (or other forms of authorization to export) from any agency of the United States Government,

except as may be determined on a case-by-case basis by the President, after consultation with the Secretary of the Treasury, after a thorough review of the circumstances surrounding the conviction or ineligibility to export and a finding by the President that appropriate steps have been taken to mitigate any law enforcement concerns.

"(5) A license to export an item on the United States Munitions List may not be issued to a foreign person (other than a foreign government).

"(6) The President may require a license (or other form of authorization) before any item on the United States Munitions List is sold or otherwise transferred to the control or possession of a foreign person or a person acting on behalf of a foreign person.

President of U.S.

"(7) The President shall, in coordination with law enforcement and national security agencies, develop standards for identifying high-risk exports for regular end-use verification. These standards shall be published in the Federal Register and the initial standards shall be published not later than October 1, 1988.

Federal Register, publication.

"(8) Upon request of the Secretary of State, the Secretary of Defense and the Secretary of the Treasury shall detail to the office primarily responsible for export licensing functions under this section, on a nonreimbursable basis, personnel with appropriate expertise to assist in the initial screening of applications for export licenses under this section in order to determine the need for further review of those applications for foreign policy, national security, and law enforcement concerns.

Defense and national security. Law enforcement and crime.

"(9) For purposes of this subsection— 101 STAT. 1431

"(A) the term 'foreign corporation' means a corporation that is not incorporated in the United States;

"(B) the term 'foreign government' includes any agency or subdivision of a foreign government, including an official mission of a foreign government;

"(C) the term 'foreign person' means any person who is not a citizen or national of the United States or lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act, and includes foreign corporations, international organizations, and foreign governments;

"(D) the term 'party to the export' means—

"(i) the president, the chief executive officer, and other senior officers of the license applicant;

"(ii) the freight forwarders or designated exporting agent of the license application; and

"(iii) any consignee or end user of any item to be exported; and

"(E) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization, or group, including governmental entities.".

(b) REVIEW OF MUNITIONS CONTROL REGISTRATIONS.—Section 38(b)(1) of that Act is amended— 22 USC 2778.

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new paragraph:

"(B) A copy of each registration made under this paragraph shall be transmitted to the Secretary of the Treasury for review regarding law enforcement concerns. The Secretary shall report to the President regarding such concerns as necessary.". Reports.

(c) MUNITIONS CONTROL REGISTRATION FEES.—Section 38(b) of that Act is amended by inserting at the end the following:

"(3)(A) For each of the fiscal years 1988 and 1989, $250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

"(i) contract personnel to assist in the evaluation of munitions control license applications, reduce processing time for license applications, and improve monitoring of compliance with the terms of licenses; and

"(ii) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.

"(B) The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

TITLE XIII—EFFECTIVE DATE

22 USC 2651 note.

SEC. 1301. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on the date of its enactment.

Approved December 22, 1987.

LEGISLATIVE HISTORY—H.R. 1777 (S. 1394):

HOUSE REPORTS: No. 100-34 (Comm. on Foreign Affairs) and 100-475 (Comm. of Conference).
SENATE REPORTS: No. 100-75 accompanying S. 1394 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 133 (1987):
June 11, 16, 18, 23, considered and passed House.
Oct. 2, 6-8, S. 1394 considered in Senate.
Oct. 8, H.R. 1777 considered and passed Senate, amended, in lieu of S. 1394.
Dec. 15, House agreed to conference report.
Dec. 16, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Dec. 22, Presidential statement.

Public Law 100-20
100th Congress

101 STAT. 265

An Act

Making technical corrections relating to the Federal Employees' Retirement System.

Apr. 7, 1987
[H.R. 1505]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 302(a)(1)(D)(II) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 602) is amended by striking out "8442(b)(1)(B)," and inserting in lieu thereof "8442(b)(1), 8443(a)(1),".

(b) The first sentence of section 8432(b)(4)(A) of title 5, United States Code, is amended to read as follows: "Notwithstanding paragraph (2)(A), an employee or Member who is an employee or Member on January 1, 1987, and continues as an employee or Member without a break in service through April 1, 1987, may make the first election for the purpose of subsection (a) during the election period prescribed for such purpose by the Executive Director.".

100 Stat. 541.

Approved April 7, 1987.

LEGISLATIVE HISTORY—H.R. 1505:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 12, considered and passed House.
Mar. 25, considered and passed Senate.

Public Law 100-43
100th Congress

101 STAT. 315

An Act

To amend title 5, United States Code, to provide for procedures for the investment and payment of interest of funds in the Thrift Savings Fund when restrictions on such investments and payments are caused by the statutory public debt limit.

May 22, 1987
[S. 1177]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Thrift Savings Fund Investment Act of 1987".

Thrift Savings Fund Investment Act of 1987.
5 USC 8401 note.

SEC. 2. THRIFT SAVINGS INVESTMENT.

(a) INVESTMENT AND RESTORATION OF THE FUND.—Section 8438 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) Notwithstanding subsection (f) of this section, the Secretary of the Treasury may suspend the issuance of additional amounts of obligations of the United States, if such issuances could not be made without causing the public debt of the United States to exceed the public debt limit, as determined by the Secretary of the Treasury.

"(2) Any issuances of obligations to the Government Securities Investment Fund which, solely by reason of the public debt limit are not issued, shall be issued under subsection (f) by the Secretary of

the Treasury as soon as such issuances can be issued without exceeding the public debt limit.

"(3) Upon expiration of the debt issuance suspension period, the Secretary of the Treasury shall immediately issue to the Government Securities Investment Fund obligations under chapter 31 of title 31 that (notwithstanding subsection (f)(2) of this section) bear such interest rates and maturity dates as are necessary to ensure that, after such obligations are issued, the holdings of obligations of the United States by the Government Securities Investment Fund will replicate the obligations that would then be held by the Government Securities Investment Fund under the procedure set forth in paragraph (5), if the suspension of issuances under paragraph (1) of this subsection had not occurred.

"(4) On the first business day after the expiration of any debt issuance suspension period, the Secretary of the Treasury shall pay to the Government Securities Investment Fund, from amounts in the general fund of the Treasury of the United States not otherwise appropriated, an amount equal to the excess of the net amount of interest that would have been earned by the Government Securities Investment Fund from obligations of the United States during such debt issuance suspension period if—

"(A) amounts in the Government Securities Investment Fund that were available for investment in obligations of the United States and were not invested during such debt issuance suspension period solely by reason of the public debt limit had been invested under the procedure set forth in paragraph (5), over

"(B) the net amount of interest actually earned by the Government Securities Investment Fund from obligations of the United States during such debt issuance suspension period.

101 STAT. 316

"(5) On each business day during the debt limit suspension period, the Executive Director shall notify the Secretary of the Treasury of the amounts, by maturity, that would have been invested or redeemed each day had the debt issuance suspension period not occurred.

"(6) For purposes of this subsection and subsection (i) of this section—

"(A) the term 'public debt limit' means the limitation imposed by section 3101(b) of title 31; and

"(B) the term 'debt issuance suspension period' means any period for which the Secretary of the Treasury determines for purposes of this subsection that the issuance of obligations of the United States may not be made without exceeding the public debt limit.".

(b) REPORTS REGARDING THE OPERATION AND STATUS OF THE FUND.—Section 8438 of title 5, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(i)(1) The Secretary of the Treasury shall report to Congress on the operation and status of the Thrift Savings Fund during each debt issuance suspension period for which the Secretary is required to take action under paragraph (3) or (4) of subsection (h) of this section. The report shall be submitted as soon as possible after the expiration of such period, but not later than 30 days after the first business day after the expiration of such period. The Secretary shall concurrently transmit a copy of such report to the Executive Director and the Comptroller General of the United States.

"(2) Whenever the Secretary of the Treasury determines that, by reason of the public debt limit, the Secretary will be unable to fully comply with the requirements of subsection (f) of this section, the

Secretary shall immediately notify Congress and the Executive Director of the determination. The notification shall be made in writing.".

Approved May 22, 1987.

LEGISLATIVE HISTORY—S. 1177:

CONGRESSIONAL RECORD, Vol. 133 (1987):
May 12, considered and passed Senate.
May 13, considered and passed House.

Public Law 100-90
100th Congress

101 STAT. 673

An Act

To amend title 39, United States Code, to extend to certain officers and employees of the United States Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service.

Aug. 18, 1987
[H.R. 348]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1005(a) of title 39, United States Code, is amended by adding at the end thereof the following:

"(4)(A) Subchapter II of chapter 75 of title 5 shall apply— 5 USC 7511.

"(i) to any preference eligible in the Postal Service who is an employee within the meaning of section 7511(a)(1)(B) of such title; and

"(ii) to any other individual who—

"(I) is in the position of a supervisor or a management employee in the Postal Service, or is an employee of the Postal Service engaged in personnel work in other than a purely nonconfidential clerical capacity; and

"(II) has completed 1 year of current continuous service in the same or similar positions.

"(B)(i) The second sentence of paragraph (2) of this subsection applies with respect to the provisions of subparagraph (A) of this paragraph, to the extent that such provisions relate to preference eligibles.

"(ii) The provisions of subparagraph (A) of this paragraph shall not, to the extent that such provisions relate to an individual under clause (ii) of such subparagraph, be modified by any program developed under section 1004 of this title.".

39 USC 1004.

(b)(1) The amendment made by subsection (a) shall be effective after the expiration of the 30-day period beginning on the date of the enactment of this Act. Effective date. 39 USC 1005 note.

(2) An action which is commenced under section 1005(a)(1)(B) of title 39, United States Code, before the effective date of the amendment made by subsection (a) shall not abate by reason of the enactment of this Act. Determinations with respect to any such action shall be made as if this Act had not been enacted.

Approved August 18, 1987.

LEGISLATIVE HISTORY—H.R. 348 (S. 541):

CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 3, considered and passed House.
July 28, considered and passed Senate, amended.
Aug. 3, House concurred in Senate amendment.

101 STAT. 700 Public Law 100-94
100th Congress

An Act

Aug. 18, 1987
[H.R. 2309]

To amend the Christopher Columbus Quincentenary Jubilee Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Christopher Columbus Quincentenary Jubilee Act (Public Law 98-375; 98 Stat. 1257).

SEC. 2. ADDITIONAL NONVOTING PARTICIPANT.

98 Stat. 1257.

Section 3(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) For purposes of this paragraph, the term 'country or other political entity' means any country or territory or successor political entity listed under section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2707(b)).

President of U.S.

"(B) In addition to the individuals under paragraph (1), the President is authorized and requested to invite the government of any country or other political entity recommended under subparagraph (D) to appoint 1 individual to serve as a nonvoting participant under this paragraph.

"(C)(i) Not more than 1 country or other political entity may be represented under this paragraph at any time, and, except as provided in clause (ii), the term for which any such country or other entity may be so represented shall be 1 calendar year, beginning with calendar year 1988.

"(ii) In the year in which the Commission terminates, the term of appointment under this paragraph shall end on the Commission's termination date.

"(D) The Commission shall submit to the President, on an annual basis, the name of any country or other political entity which the Commission considers appropriate, except that—

"(i) no country or other political entity may be represented under this paragraph more than once; and

Bahamas.

"(ii) the first country to be recommended under this subparagraph shall be the Bahamas, which was the first place where Columbus landed in the course of his voyages of exploration.".

SEC. 3. OFFICIAL REPRESENTATION EXPENSES.

98 Stat. 1259.

Section 6 is amended by adding at the end the following:

"(f) In carrying out any functions or duties with respect to representatives of foreign governments, the Commission may, out of amounts available under section 7(a), expend not to exceed $7,500 in any calendar year.".

101 STAT. 701

Gifts and property.
98 Stat. 1260.

SEC. 4. INCREASE IN MAXIMUM DONATIONS ALLOWABLE.

Section 7(a) is amended to read as follows:

"(a) The Commission may accept donations of money, property, or personal services, except that—

"(1) the aggregate amount of any donations which may be accepted from an individual in any year may not exceed $250,000; and

"(2) the aggregate amount of any donations which may be accepted from a foreign government, corporation, partnership, or other person (other than an individual) in any year may not exceed $1,000,000.".

SEC. 5. APPOINTMENT OF STAFF.

Section 8(b)(1) is amended to read as follows: 98 Stat. 1261.

"(1) appoint and fix the compensation of such additional personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that— 5 USC 5101 *et seq.* 5 USC 5331. 5 USC 5332.

"(A) not to exceed 20 staff members appointed under this paragraph may be paid out of amounts available under section 11, and any individual appointed to a position funded in such manner may not be paid at a rate in excess of the rate for grade GS-18 of the General Schedule; and *Post*, p. 703.

"(B) any other staff member appointed under this paragraph may be paid out of amounts available under section 7(a), and any individual appointed to a position funded in such manner—

"(i) shall be so designated at the time of such individual's appointment; and

"(ii) shall not be considered an employee of the United States other than for purposes of—

"(I) chapter 81 of title 5, United States Code, relating to compensation for work injuries; 5 USC 8101 *et seq.*

"(II) chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest; and 18 USC 201 *et seq.*

"(III) chapter 171 of title 28, United States Code, relating to tort claims.". 28 USC 2671 *et seq.*

SEC. 6. ADVISORY COMMITTEE MEMBERS.

Section 9(b) is amended— 98 Stat. 1261.

(1) by inserting "(1)" after "(b)";

(2) by inserting ", except as provided in paragraph (2)," after "compensation, and"; and

(3) by adding at the end the following:

"(2)(A) Persons appointed to advisory committees under section 8(b)(2) may, while away from their homes or regular places of business in the performance of services for the Commission, be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

"(B) Any amount payable under subparagraph (A) shall be paid out of amounts available under section 7(a).". 101 STAT. 702

SEC. 7. OFFICIAL LOGO.

(a) IN GENERAL.—Section 10 is amended— 98 Stat. 1262.

(1) by amending subsection (a) to read as follows:

"(a)(1) For the purpose of this section, the term 'Christopher Columbus Quincentenary Logo' means the symbol or mark designated by the Commission for use in connection with the commemoration of the quincentennial of the voyages of discovery of Christopher Columbus.

"(2) The Commission may, in accordance with rules and regulations which the Commission shall prescribe, authorize the manufacture, reproduction, use, sale, or distribution of the Christopher Columbus Quincentenary Logo. Marketing.

"(3) The rules and regulations under paragraph (2) shall include provisions under which—

"(A) fees may be charged for any authorization under this subsection (including circumstances under which any such fee may be waived);

"(B) any authorization granted under this subsection shall not be subject to reassignment or transfer without approval by the Commission; and

"(C) any authorization granted under this subsection may be revoked or otherwise terminated.

"(4) Amounts charged under paragraph (3)(A) shall be available to the Commission.";

(2) in subsection (b)—

Marketing.

(A) by striking "or uses any such logos, symbols, or marks, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks," and inserting in lieu thereof "uses, sells, or distributes the Christopher Columbus Quincentenary Logo"; and

(B) by striking the second sentence thereof; and

(3) by adding at the end the following:

Federal Register, publication.

"(c)(1) Notice of designation under subsection (a)(1) shall be published in the Federal Register.

"(2) Any rules and regulations under subsection (a), and any penalty under subsection (b), shall apply only in the case of any symbol or mark for which the Commission publishes notice of designation under paragraph (1).".

(b) SAVINGS PROVISIONS.—(1) All rules and regulations issued by the Christopher Columbus Quincentenary Jubilee Commission in connection with section 10 of the Christopher Columbus Quincentenary Jubilee Act (as in effect before the enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed by the Commission.

(2) No suit, action, or other proceeding lawfully commenced before the amendments made by subsection (a) become effective shall abate by reason of the enactment of this Act. Determinations with respect to any such suit, action, or other proceeding shall be made as if this Act had not been enacted.

101 STAT. 703

SEC. 8. TERMINATION DATE.

98 Stat. 1262.

Sections 11(a), 11(b), and 12(a) are each amended by striking "November 15, 1992" and inserting in lieu thereof "December 31, 1993".

Approved August 18, 1987.

LEGISLATIVE HISTORY—H.R. 2309:

HOUSE REPORTS: No. 100-254 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Aug. 3, considered and passed House.
Aug. 5, considered and passed Senate.

101 STAT. 735

Public Law 100-113
100th Congress

An Act

Aug. 21, 1987
[S. 1550]

To complete the Federal Triangle in the District of Columbia, to construct a public building to provide Federal office space and space for an international cultural and trade center, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Triangle Development Act.
Real property.
40 USC 1101 *note.*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Triangle Development Act".

40 USC 1101.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) it is in the national interest to build a Federal building complex and establish an international cultural and trade

center on the Federal Triangle property in the District of Columbia;

(2) development of such a Federal building complex will permit consolidation of a number of Federal agencies which are currently housed in numerous, scattered locations and will enable more economical and efficient use of building space and environs;

(3) inclusion of an international cultural and trade center within the Federal building complex will create and enhance opportunities for American trade, commerce, communications, and cultural exchanges with other nations and complement the work of Federal, State, and local agencies in the areas of international trade and cultural exchange; and

(4) the appropriate development, maintenance, and use of the Federal Triangle property should be a joint development effort of the General Services Administration, the Pennsylvania Avenue Development Corporation, and the International Cultural and Trade Center Commission.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To transfer the Federal Triangle property from the Administrator of General Services to the Pennsylvania Avenue Development Corporation.

(2) To grant to the Corporation the power of eminent domain to acquire certain properties and rights-of-way adjacent to the Federal Triangle site and to authorize the Corporation to exercise such power as may be necessary to further the public interest.

(3) To authorize the Corporation, after consultation with the Secretary of State, the Administrator, and the Commission, to prepare plans for development of such property.

(4) To establish a process for review and selection of such plans and, after completion of such review process, to authorize the Corporation to enter into an agreement with a private developer selected for the development of such property. 101 STAT. 736

(5) To ensure that the design and construction of the Federal building complex on such property will insofar as practicable be in accordance with the guiding principles for Federal architecture recommended by the Committee on Federal Office Space in 1962 which require among other things that facilities to be used by Federal agencies be efficient and economical and that public buildings provide visual testimony to the dignity, enterprise, vigor, and stability of the Federal Government.

(6) To provide for establishment, operation, and maintenance of a self-sustaining international cultural and trade center in such complex.

SEC. 3. FEDERAL TRIANGLE PROPERTY. 40 USC 1102.

(a) TRANSFER TO PADC.—

(1) GENERAL RULE.—Subject to such terms and conditions as the Administrator and the Corporation may establish, the Administrator shall transfer, without compensation, to the Corporation title to the Federal Triangle property for development under this Act.

(2) DURATION OF TRANSFER.—Title to the Federal Triangle property shall revert to the Administrator at such time as the Administrator and the Corporation agree but not later than the date on which ownership of the building to be constructed on such property under section 5 vests in the United States. On and after such date, title to such building shall be in the Administrator.

(3) LEGAL DESCRIPTION.—The exact acreage and legal description of the Federal Triangle property shall be based upon surveys which are satisfactory to the Administrator and the Corporation.

(b) ADJOINING PROPERTY AND RIGHTS-OF-WAY.—

(1) ACQUISITION.—The Corporation may acquire by purchase, exchange, condemnation, or otherwise such additional property

or improvements or interest therein (including any portion of any street, roadway, highway, alley, or right-of-way and any easements to and air rights on or above any public lands or rights-of-way) as are necessary for development of the Federal Triangle property.

(2) TRANSFER TO GSA.—At the time title to the Federal Triangle property reverts to the Administrator under subsection (a), the Corporation shall transfer to the Administrator, without compensation, title to any property or interest therein acquired under this subsection and improvements thereon.

40 USC 1103.

SEC. 4. DEVELOPMENT PROPOSAL.

(a) PREPARATION AND CONTENTS.—The Corporation shall prepare a written proposal for development of the Federal Triangle property which shall include, but not be limited to, the following:

(1) A narrative description of the building to be constructed on the Federal Triangle property, including a description of the types of uses both public and private to be permitted in the building.

(2) A comprehensive plan prepared by the Administrator for providing space for Federal officers and employees in the building.

101 STAT. 737

(3) A plan for inclusion of an international cultural and trade center comprising not to exceed 500,000 occupiable square feet, including a leasing plan prepared by the Commission for occupancy of such center and a plan for permitting conversion of space not used for such center to office space.

(4) A comprehensive plan for providing security for the building and its occupants and contents.

(5) A comprehensive plan for providing parking for motor vehicles of occupants of and visitors to the building and for providing access to the building by delivery and service vehicles.

(6) A statement prepared by the Administrator of rents and other housing costs currently being paid by the United States for Federal agencies to be housed in the building.

(7) Design criteria for the building.

(8) An estimate of the cost of construction of the building and of the annual cost to the United States of leasing the building under section 6.

Environmental protection.

(9) Environmental impact documentation for development of the Federal Triangle property under Federal laws and regulations.

(10) An analysis of the economic impact in the metropolitan area which includes the District of Columbia of development of the Federal Triangle property.

(11) Terms and conditions approved by the Administrator for inclusion in the lease agreement under section 6.

(b) LIMITATIONS.—

(1) SIZE OF BUILDING.—The building (including parking facilities) to be constructed on the Federal Triangle property may not exceed 3,100,000 gross square feet in size.

(2) HEIGHT OF BUILDING.—The height of the building shall be compatible with the height of surrounding Government buildings.

(3) DESIGN.—The building shall be designed in harmony with historical and Government buildings in the vicinity, shall reflect the symbolic importance and historic character of Pennsylvania Avenue and the Nation's Capital, and shall represent the dignity and stability of the Federal Government.

(c) CONSULTATION REQUIREMENT.—In preparing the development proposal under subsection (a), the Corporation shall consult the Secretary of State, the Administrator, and the Commission.

(d) DUTIES OF THE ADMINISTRATOR AND COMMISSION.—

(1) ADMINISTRATOR.—The Administrator shall prepare and submit to the Corporation for inclusion in the development proposal under subsection (a)—

(A) a comprehensive plan for providing space for Federal officers and employees in the building to be constructed on the Federal Triangle property;

(B) a statement of rents and other housing costs currently being paid by the United States for Federal agencies to be housed in the building; and

(C) a list of terms and conditions which the Administrator has approved for inclusion in the lease agreement to be entered into under section 6.

(2) COMMISSION.—The Commission shall prepare and submit to the Corporation for inclusion in the development proposal under subsection (a) a leasing plan for occupancy of the international cultural and trade center under section 8.

(e) REVIEW AND APPROVAL OF DEVELOPMENT PROPOSAL BY GSA AND OTHERS.—

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(1) SUBMISSION FOR REVIEW.—As soon as practicable but not later than 365 days after the date of the enactment of this Act, the Corporation shall submit the development proposal prepared under subsection (a) to the General Services Administration, the Commission, the National Capital Planning Commission, and the Commission of Fine Arts.

(2) APPROVAL OR RECOMMENDED MODIFICATIONS.—Not later than 60 days after the date of submission of the development proposal under paragraph (1), each governmental entity referred to in paragraph (1) shall notify the Corporation of approval or recommended modifications of the development proposal. If such governmental entity does not notify the Corporation of its approval or recommended modifications of the proposal within such 60-day period, such governmental entity shall be deemed to have approved the proposal.

(3) CONSULTATION.—In the event a governmental entity referred to in paragraph (1) submits recommended modifications of the development proposal within the 60-day period described in paragraph (2), the Corporation shall consult such entity regarding such modifications and may modify such proposal to take into account one or more of such recommended modifications.

(f) SUBMISSION FOR CONGRESSIONAL REVIEW.—Not later than 150 days after the date of submission of the development proposal to governmental entities under subsection (e)(1), the Corporation shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives for review and approval the development proposal with any modifications made under subsection (e)(3), a statement of the areas of difference between such proposal and the recommended modifications of each such governmental entity, and the views of the Corporation with respect to such differences.

(g) FUNDING.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall transfer from amounts appropriated to the Administrator $800,000 to the Corporation for carrying out this section.

SEC. 5. CONSTRUCTION OF BUILDING.

40 USC 1104.

(a) SELECTION PROCESS.—

(1) GENERAL RULE.—Upon approval of the development proposal submitted under section 4(f) by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works of the House of Representatives, the Corporation in accordance with its policies and procedures for a development competition, shall select a person to develop the Federal Triangle property.

(2) CONSULTATION REQUIREMENT.—In selecting a person to develop the Federal Triangle property, the Corporation shall consult the Administrator and the Commission.

(3) COMPETITION.—The Corporation shall conduct a competition for selection of a person to develop the Federal Triangle property. Such competition shall be conducted in accordance with the existing policies and procedures of the Corporation for a development competition.

(4) PROHIBITION ON PAYMENTS FOR BIDS AND DESIGNS.—The Corporation may not make any payment to any person for any bid or design proposal under the competition conducted under this subsection.

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Contracts

(b) DEVELOPMENT AGREEMENT.—

(1) AUTHORITY TO ENTER.—The Corporation may enter into an agreement for the development of the Federal Triangle property in accordance with the development proposal approved under subsection (a) with the person selected to develop the Federal Triangle property.

(2) CONTENTS.—The development agreement under paragraph (1) shall at a minimum provide for the following:

(A) The construction of a building on the Federal Triangle property in accordance with the architectural plans and specifications selected under the development competition.

(B) Ownership of such property and building will be by the United States; except that the person selected under subsection (a) may own such building for a term not to exceed 35 years beginning on the date on which construction of such building commences.

(C) The Administrator to lease such building from such person for the term determined under subparagraph (B).

(D) Inspection of such building during construction by the Administrator and the Corporation.

The agreement shall include a copy of the lease agreement and technical directives and specifications prepared by the Administrator entered into by the Administrator and such person under section 6.

(c) CONNECTION WITH RAIL SYSTEM.—The building to be constructed under this section may be connected with the rapid rail system operated by the Washington Metropolitan Area Transit Authority via a station located on the Federal Triangle property. The construction cost of making such connection shall be the responsibility of the person selected to develop the Federal Triangle property. The Washington Metropolitan Transit Authority may not charge any fee or other amount for the connection of such building to such rail system.

(d) CONSTRUCTION STANDARDS AND INSPECTION.—The building constructed under this section shall meet all standards applicable to construction of a Federal building. During construction, the Administrator and the Corporation shall conduct periodic inspections of such building for the purpose of assuring that such standards are being met.

(e) TREATMENT OF PADC.—For purposes of any State or local law (including laws relating to taxation and building permits and inspections), the Corporation with respect to development of the Federal Triangle property shall be treated as the General Services Administration is treated with respect to acquisition and construction of a Federal building.

Taxes

(f) APPLICABILITY OF CERTAIN LAWS.—Any person who enters into an agreement with the Corporation under subsection (b) for development of the Federal Triangle property shall not, with respect to such development, be subject to any State or local law relating to building permits and building inspection. Such property and any improvements to such property shall not be subject to real and personal property taxation, or special assessments.

(g) TREATMENT OF FEDERAL TRIANGLE DEVELOPMENT AREA.—For purposes of the Pennsylvania Avenue Development Corporation Act

of 1972 (other than section 5), the Federal Triangle development area shall be treated as being a part of the development area described in section 2(f) of such Act (40 U.S.C. 871(f)). The Corporation shall have the same authority with respect to the Federal Triangle development area as it has with respect to the development area described in such section 2(f). 40 USC 871 note.

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(h) POWERS OF THE CORPORATION.—The Corporation shall have with respect to its duties under this Act any powers which the Corporation has under section 6 (other than paragraphs (9) and (10)) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 875) with respect to its duties under such Act. The Corporation may enter into agreements with any Federal agency or the Commission with respect to this Act, or as permitted or authorized by 31 U.S.C. 1535.

(i) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated, from the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), to the Administrator for transfer to the Corporation for carrying out this section and section 4 $3,700,000 for fiscal year 1988. Such sums shall remain available until expended.

SEC. 6. LEASE OF BUILDING BY GSA.

Contracts. 40 USC 1105.

(a) ENTRY INTO AGREEMENT.—Before the development agreement is entered into under section 5, the Administrator shall enter into with the person selected to construct the building under section 5 an agreement for the lease of such building for Federal office space and the international cultural and trade center space.

(b) TERMS OF AGREEMENT.—The agreement entered into under this section shall include at a minimum the following terms:

(1) The Administrator will lease the building for the term that the person selected to construct the building owns the building.

(2) The rental rate per square foot of occupiable space for all space in the building will be in the best interest of the United States and carry out the objectives of this Act, but in no case may the aggregate rental rate for all space in the building produce an amount less than the amount necessary to amortize the cost of development of the Federal Triangle property over the term of the lease.

(3) Obligations of funds from the Federal Building Fund shall only be made on an annual basis to meet lease payments.

(4) The Administrator will be permitted to sublease to the Commission for establishment, operation, and management of the international cultural and trade center under section 8.

(c) ACCOUNTING SYSTEM.—The Administrator shall maintain an accounting system for operation and maintenance of the building to be constructed under section 5 which will permit accurate projections of the dates and the costs of major repairs, improvements, reconstructions, and replacements of such building and other capital expenditures on such building. The Administrator shall take such action as may be necessary to assure that funds are available to cover such projected costs and expenditures.

(d) OBLIGATION OF FUNDS.—Obligation of funds to make lease payments under this section may only be made on an annual basis and from amounts in the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

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SEC. 7. INTERNATIONAL CULTURAL AND TRADE CENTER COMMISSION. 40 USC 1106.

(a) ESTABLISHMENT.—There is established a commission to be known as the International Cultural and Trade Center Commission.

(b) DUTIES OF COMMISSION.—The duties of the Commission are as follows:

(1) To participate in accordance with section 4 in the planning of the building to be constructed under section 5.

(2) To enter into an agreement with the Administrator under section 8 for the lease of space in the building constructed under Contracts.

section 5 for establishment, operation, and maintenance of an international cultural and trade center.

(3) To operate and manage any space leased under section 8 in accordance with the objectives of this Act.

Reports.

(4) To prepare under section 8 an annual report on the operation and management of such space.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(A) The Secretary of State or his delegate.

(B) The Secretary of Commerce or his delegate.

(C) The Secretary of Agriculture or his delegate.

(D) The United States Trade Representative or his delegate.

(E) The Administrator or his delegate.

(F) The Director of the United States Information Agency or his delegate.

(G) The Chairman of the Corporation or his delegate.

(H) The Mayor of the District of Columbia or his delegate.

(I) The Chairman of the National Endowment for the Arts or his delegate.

(J) 6 individuals appointed by the President one of whom shall be a resident and registered voter of the District of Columbia and all of whom shall be specially qualified to serve on the Commission by virtue of their education, training, or experience in international trade, commerce, cultural exchange, finance, business, or management of facilities similar to the international cultural and trade center described in section 8.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(2) TERMS.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), the terms of office of the private sector Members first taking office shall begin on the date of the enactment of this Act and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and two at the end of six years.

(B) FILLING A VACANCY.—Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(3) PAY.—Members of the Commission shall serve without pay; except that any member of the Commission appointed under paragraph (1)(J) shall while attending meetings of and attending hearings held by the Commission be entitled to travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

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(4) QUORUM.—8 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) DESIGNATION OF CHAIRMAN.—The Chairman and Vice Chairman of the Commission shall be designated by the President; except that the Chairman may only be designated from individuals appointed under paragraph (1)(J).

(6) MEETINGS.—The Commission shall meet at the call of the Chairman but no less often than every 4 months.

(d) STAFF OF COMMISSION.—

(1) GENERAL RULE.—The Commission shall have a staff, including an executive director. Such staff shall be composed of individuals who may either be appointed under paragraph (2) or detailed under paragraph (3); except that the staff of the Commission may not at any time be composed of more than 15 individuals.

(2) AUTHORITY TO APPOINT.—The Commission may appoint and fix the pay of not to exceed 10 individuals, including an individual to serve as the executive director of the Commission. Staff appointed under this paragraph shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that— 5 USC 5101 *et seq.* 5 USC 5331. 5 USC 5332 note.

(A) the individual appointed to serve as the executive director and one other individual appointed to the staff of the Commission may be appointed and compensated without regard to such provisions; and

(B) the pay of any individual (other than the 2 individuals referred to in subparagraph (A)) appointed under this paragraph shall be at a rate not to exceed the maximum rate of basic pay payable for GS–17 of the General Schedule.

(3) DETAIL.—Subject to paragraph (1), upon request of the Commission, the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, the Special Trade Representative, the Administrator, and the Director of the United States Information Agency may detail, on a reimbursable basis, such of the personnel of the department or agency such person heads as may be necessary to assist the Commission in carrying out its duties under this Act.

(e) OFFICE SPACE AND SUPPLIES.—Upon request of the Commission, the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, the Special Trade Representative, the Administrator, and the Director of the United States Information Agency may provide, on a reimbursable basis, such office space, supplies, equipment, and other support services as may be necessary for the Commission to carry out its duties under this Act.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

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(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) OBTAINING OFFICIAL DATA.—The Commission may obtain from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) AUTHORITY TO CONTRACT OUT.—Subject to applicable provisions of law, the Commission may enter into such contracts or agreements as the Commission considers appropriate to carry out any of its duties under this Act.

(7) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(g) LIMITATION ON EXPENSES.—

(1) MAXIMUM AMOUNT.—The maximum amount of expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under subsection (f)(7), and supply expenses) which

the Commission may incur in any fiscal year may not exceed $1,000,000 in any fiscal year.

(2) ADJUSTMENT FOR INFLATION.—Any dollar amount referred to in this subsection, subsection (h)(3), and section 8(d) may be adjusted by the Commission annually to reflect a percentage increase or decrease in the Consumer Price Index for All Urban Consumers for the preceding calendar year, as determined by the United States Department of Labor, Bureau of Labor Statistics.

(h) FUNDING.—

(1) REQUESTS FOR TRANSFERS.—If the Commission incurs any expenses in carrying out its duties under this Act, the Commission may request the Secretary of State, the Administrator, or any other Federal official referred to in subsection (c)(1) to transfer to the Commission an amount equal to such expenses from funds appropriated to such official.

(2) AUTHORITY FOR TRANSFERS.—Subject to paragraphs (3) and (5), any official referred to in paragraph (1) may transfer such amounts from funds appropriated to such official as may be necessary to enable the Commission to carry out its duties under this Act.

(3) MAXIMUM AMOUNT OF REQUESTS AND TRANSFERS.—The aggregate amount of requests for transfers, and the aggregate amount of transfers, under this subsection may not exceed $1,000,000 in any fiscal year.

(4) DEPOSIT OF RECEIPTS.—The Commission shall deposit all amounts it receives under this subsection into the account established by section 8(d).

(5) LIMITATION ON EFFECT.—This subsection shall not be effective with respect to any fiscal year beginning after the last day of the 2-year period beginning on the first day the Commission deposits under section 8(c) funds into the account established by section 8(d).

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40 USC 1107.

SEC. 8. OPERATION AND MANAGEMENT OF INTERNATIONAL CULTURAL AND TRADE CENTER.

(a) LEASE OF SPACE.—

Contracts.

(1) AGREEMENT.—The Administrator and the Commission shall enter into an agreement for the Commission to lease from the Administrator not to exceed 500,000 square feet of occupiable space in the building to be constructed under section 5 to serve as an international cultural and trade center.

(2) SIZE.—The Commission shall determine the amount of space necessary for operation of the international cultural and trade center based upon demand, except that such space may not exceed 500,000 square feet of occupiable space. Upon certification of such demand by the Commission, the Administrator shall lease such amount of space to the Commission.

(3) TERMS.—The agreement entered into under this subsection shall include at a minimum the following terms:

International organizations. State and local governments.

(A) The Commission will be permitted to sublease its space in such building to foreign missions, commercial establishments sponsored by foreign governments, and international cultural and trade organizations, including domestic organizations and State and local governments.

(B) All space leased by the Commission from the Administrator will be at such rate as the Administrator and the Commission may agree but not less than the rate established under section 6(b)(2) plus such amount as the Administrator determines is necessary to pay on an annual basis for the costs of administering such building (including operation, maintenance, and rehabilitation costs) which are attributable to such space.

(C) Such terms relating to default and nonperformance as the Administrator considers appropriate to protect the interests of the United States.

(b) ESTABLISHMENT OF CENTER.—

(1) BY COMMISSION.—The Commission shall establish, operate, and maintain an international cultural and trade center in the space leased from the Administrator under subsection (a).

(2) CONTENTS.—The international cultural and trade center may include the following:

(A) Office space for foreign missions and domestic and international organizations involved in international trade or cultural activities.

(B) A world exhibition center providing space for exhibits from foreign nations.

(C) An international bazaar providing space for commercial establishments sponsored by foreign governments.

(D) An international center providing a centralized foreign trade reference facility, conference and meeting facilities, and audio-visual facilities for translating foreign languages.

(E) Such other facilities as are consistent with the objectives of this section.

(3) SUBLEASING OF SPACE.—

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Contracts.
International organizations.
State and local governments.

(A) AGREEMENTS.—The Commission may enter into agreements with foreign missions and international cultural and trade organizations (including domestic organizations and State and local governments) to sublease any or all of the space it leased from the Administrator under subsection (a). Space subleased to such missions and organizations may only be used for establishment of trade centers and exhibitions, offices, and commercial establishments described in paragraph (2) and such other facilities as the Commission determines are consistent with an international cultural and trade center.

(B) TERMS AND CONDITIONS.—An agreement entered into under this subsection shall be subject to such terms and conditions as the Commission determines are appropriate to carry out the objectives of this Act. The rental rate per square foot of occupiable space for space subleased under this subsection shall be determined in accordance with subsection (c); except that the Commission may adjust such rate with respect to any space subleased to a foreign mission in accordance with the recommendations of the Secretary of State acting in accordance with section 204(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4304(b)). The Secretary of State may reimburse the Commission for any expenses which are incurred by the Commission as a result of making adjustments in the rental rate for space under this subparagraph.

(4) REFERENCE FACILITY AND CULTURAL EVENTS.—The Commission may establish in a portion of the space leased from the Administrator under this section a centralized foreign trade reference facility and conference and meeting facilities and audio-visual facilities for translating foreign languages. The Commission may permit cultural events and other activities to be held in a portion of such space. The Commission shall establish in accordance with subsection (c) fees and charges for—

(A) the use of such facilities and auditorium, and

(B) the holding of such events and activities.

(c) RENTS AND FEES.—

(1) ESTABLISHMENT OF AMOUNT.—The Commission shall establish the amounts of fees under subsection (b)(4), and establish a rental rate for space subleased under subsection (b)(3), taking into account the objectives of this section and the best interests of the United States. In any fiscal year beginning after the last day of the 2-year period beginning on the first day the Commission deposits under this subsection funds into the account established under subsection (d), the aggregate amount of such fees

and rent shall not be less than the cost to the Commission of subleasing space from the Administrator under subsection (a) in such fiscal year plus the expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under subsection 7(f)(7), supply expenses and any reimbursable expenses) incurred by the Commission in carrying out its duties under this Act in such fiscal year.

(2) COLLECTION.—The Commission shall collect—

(A) rent for space subleased under subsection (b); and

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(B) fees and charges under subsection (b).

(3) DEPOSIT.—The Commission shall deposit all amounts collected under this subsection and all amounts transferred by the Secretary of State to the Commission under subsection (b)(3)(B) into the account established under subsection (d).

(d) SEPARATE ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account.

(2) CONTENTS.—The account shall include all amounts deposited by the Commission under subsection (c) and section 7(h).

(3) AVAILABILITY.—Amounts in the account established under this subsection shall be available to the Commission to pay—

(A) all rents owed to the Administrator for lease of space under subsection (a); and

(B) all expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under section 7(f)(7), and supply expenses) incurred by the Commission in carrying out its duties under this Act but not exceeding $1,000,000 in any fiscal year.

(4) PAYMENTS.—The Commission shall pay, from amounts in the account established by this subsection—

(A) for lease of space under subsection (a) on an annual basis amounts owed to the Administrator for deposit into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)); and

(B) all expenses incurred by it in carrying out its duties under this Act but not exceeding $1,000,000 in any fiscal year.

(5) TRANSFER OF EXCESS FUNDS.—Periodically, but not less often than once per fiscal year, funds which the Commission determines are in excess of those needed to make the payments described in paragraph (4) shall be transferred by the Commission from the account established under this subsection to the fund established under section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(h) ANNUAL REPORT AND BUDGET.—The Commission shall prepare and transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives (1) an annual report in January of each calendar year on the operation and management of the space leased by the Commission under subsection (a) and the international cultural and trade center, and (2) a budget for such fiscal year for operation, maintenance, and alteration of such center, including amounts received and projected to be received by the Commission in such fiscal year and expenses incurred and projected to be incurred by the Commission in such fiscal year.

40 USC 1108.

SEC. 9. DESIGNATION OF DEPARTMENTAL AUDITORIUM.

(a) The Departmental Auditorium, located on the Federal Triangle between the Custom Service building and Interstate Commerce Commission building on Constitution Avenue, shall hereafter be known and designated as the "Andrew W. Mellon Auditorium".

(b) Any reference in any law, regulation, document, record, map or other paper of the United States to the auditorium referred to in subsection (a) is deemed to be a reference to the "Andrew W. Mellon Auditorium".

SEC. 10. DEFINITIONS.

40 USC 1109.

As used in this Act—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) COMMISSION.—The term "Commission" means the International Cultural and Trade Center Commission established by section 7.

(3) CORPORATION.—The term "Corporation" means the Pennsylvania Avenue Development Corporation.

(4) FEDERAL TRIANGLE DEVELOPMENT AREA.—The term "Federal Triangle development area" means the area which begins at a point on the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest; thence southerly along the west side of Fourteenth Street to the northwest corner of the intersection of Fourteenth Street and Constitution Avenue, Northwest; thence easterly along the north side of Constitution Avenue to the northeast corner of the intersection of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street to the southeast corner of the intersection of Twelfth Street and Pennsylvania Avenue, Northwest; thence westerly along the south side of Pennsylvania Avenue to the point of beginning being the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest.

(5) FEDERAL TRIANGLE PROPERTY.—The term "Federal Triangle property" means—

(A) the property owned by the United States in the District of Columbia, known as the "Great Plaza" site, which consists of squares 256, 257, 258, parts of squares 259 and 260, and adjacent closed rights-of-way as shown on plate IV of the King Plats of 1803 located in the Office of the Surveyor of the District of Columbia; and

(B) any property acquired by the Corporation under section 3(b);

except that for purposes of section 3 such term does not include any property referred to in subparagraph (B).

Approved August 21, 1987.

LEGISLATIVE HISTORY—S. 1550:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Aug. 5, considered and passed Senate.
Aug. 7, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Aug. 21, Presidential statement.

Public Law 100-77
100th Congress

101 STAT. 482

An Act

To provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

July 22, 1987
[H.R. 558]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Stewart B. McKinney Homeless Assistance Act.
Disadvantaged persons.
42 USC 11301 note.

TITLE I—GENERAL PROVISIONS

SECTION 101. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Stewart B. McKinney Homeless Assistance Act".

(b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title and table of contents.
Sec. 102. Findings and purpose.
Sec. 103. General definition of homeless individual.
Sec. 104. Funding availability and limitations.
Sec. 105. Audits by Comptroller General.

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

Sec. 201. Establishment.
Sec. 202. Membership.
Sec. 203. Functions.
Sec. 204. Director and staff.
Sec. 205. Powers.
Sec. 206. Transfer of functions.
Sec. 207. Definitions.
Sec. 208. Authorization of appropriations.
Sec. 209. Termination.

TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

Subtitle A—Administrative Provisions

Sec. 301. Emergency Food and Shelter Program National Board.
Sec. 302. Local boards.
Sec. 303. Role of Federal Emergency Management Agency.
Sec. 304. Records and audit of National Board and recipients of assistance.
Sec. 305. Annual report.

Subtitle B—Emergency Food and Shelter Grants

Sec. 311. Grants by the Director.
Sec. 312. Retention of interest earned.
Sec. 313. Purposes of grants.
Sec. 314. Limitation on certain costs.
Sec. 315. Disbursement of funds.
Sec. 316. Program guidelines.

Subtitle C—General Provisions

Sec. 321. Definitions.
Sec. 322. Authorization of appropriations.

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TITLE IV—HOUSING ASSISTANCE

Subtitle A—Comprehensive Homeless Assistance Plan

Sec. 401. Requirement for comprehensive homeless assistance plan.

Subtitle B—Emergency Shelter Grants Program

Sec. 411. Definitions.
Sec. 412. Grant assistance.
Sec. 413. Allocation and distribution of assistance.
Sec. 414. Eligible activities.
Sec. 415. Responsibilities of recipients.
Sec. 416. Administrative provisions.
Sec. 417. Authorization of appropriations.

Subtitle C—Supportive Housing Demonstration Program

Sec. 421. Establishment of demonstration program.
Sec. 422. Definitions.
Sec. 423. Types of assistance.
Sec. 424. Program requirements.
Sec. 425. Matching funds requirements.
Sec. 426. Guidelines.
Sec. 427. Report to Congress.
Sec. 428. Authorization of appropriations.

Subtitle D—Supplemental Assistance for Facilities To Assist the Homeless

Sec. 431. Definitions.
Sec. 432. Supplemental assistance.
Sec. 433. Regulations.
Sec. 434. Authorization of appropriations.

Subtitle E—Miscellaneous Provisions

Sec. 441. Section 8 assistance for single room occupancy dwellings.
Sec. 442. Community development block grant amendment.

TITLE V—IDENTIFICATION AND USE OF SURPLUS FEDERAL PROPERTY

Sec. 501. Use of underutilized public buildings and property for facilities to assist the homeless.
Sec. 502. Making surplus personal property available to nonprofit agencies.

TITLE VI—HEALTH CARE FOR THE HOMELESS

Subtitle A—Primary Health Services and Substance Abuse Services

Sec. 601. Establishment of grant program.
Sec. 602. Provision of health services to the homeless by national health service corps.
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Subtitle B—Community Mental Health Services

Sec. 611. Establishment of block grant program for services to homeless individuals who are chronically mentally ill.
Sec. 612. Community mental health services demonstration projects for homeless individuals who are chronically mentally ill.
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TITLE VII—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS

Subtitle A—Adult Education for the Homeless

Sec. 701. Amendment to Adult Education Act.
Sec. 702. Statewide literacy initiatives.

Subtitle B—Education for Homeless Children and Youth

Sec. 721. Statement of policy.
Sec. 722. Grants for State activities for the education of homeless children and youth.
Sec. 723. Exemplary grants and dissemination of information activities authorized.
Sec. 724. National responsibilities.
Sec. 725. Definitions.

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Subtitle C—Job Training for the Homeless

Sec. 731. Demonstration program authorized.
Sec. 732. State coordination with demonstration grant recipients.
Sec. 733. Application.
Sec. 734. Authorized activities.
Sec. 735. Payments; Federal share; limitation.
Sec. 736. Evaluation.
Sec. 737. Definitions.
Sec. 738. Homeless veterans' reintegration projects.

Sec. 739. Authorization of appropriations; availability of funds.
Sec. 740. Amendments to the Job Training Partnership Act.
Sec. 741. Termination.

Subtitle D—Emergency Community Services Homeless Grant Program

Sec. 751. Establishment of program.
Sec. 752. Allocation of grants.
Sec. 753. Program requirements.
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Subtitle E—Miscellaneous Provisions

Sec. 761. Study of youth homelessness.
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TITLE VIII—FOOD ASSISTANCE FOR THE HOMELESS

Subtitle A—Food Stamp Program

Sec. 801. Definition of homeless individual.
Sec. 802. Definition of household.
Sec. 803. Annual adjustment of income eligibility standards.
Sec. 804. Annual adjustments to the standard deduction.
Sec. 805. Ineligibility for earned income deduction.
Sec. 806. Excess shelter expense.
Sec. 807. Third party payments for certain housing.
Sec. 808. Food stamp information for the homeless.
Sec. 809. Expedited food stamp service.

Subtitle B—Temporary Emergency Food Assistance Program (TEFAP)

Sec. 811. Variety of commodities under TEFAP.
Sec. 812. Distribution of surplus flour, cornmeal, and cheese.
Sec. 813. Authorization of appropriations for food storage and distribution costs under TEFAP.
Sec. 814. Continuation of TEFAP.

TITLE IX—VETERANS' PROVISIONS

Sec. 901. Extension of Veterans' Job Training Act.

SEC. 102. FINDINGS AND PURPOSE. 42 USC 11301.

(a) FINDINGS.—The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, handicapped persons, families with children, Native Americans, and veterans;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, endangering the lives and safety of the homeless;

(3) the causes of homelessness are many and complex, and homeless individuals have diverse needs;

(4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals;

(5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and 101 STAT. 485

(6) the Federal Government has a clear responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish an Interagency Council on the Homeless;

(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and

(3) to provide funds for programs to assist the homeless, with special emphasis on elderly persons, handicapped persons, families with children, Native Americans, and veterans.

42 USC 11302.

SEC. 103. GENERAL DEFINITION OF HOMELESS INDIVIDUAL.

(a) IN GENERAL.—For purposes of this Act, the term "homeless" or "homeless individual" includes—

(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) an individual who has a primary nighttime residence that is—

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) INCOME ELIGIBILITY.—A homeless individual shall be eligible for assistance under any program provided by this Act, or by the amendments made by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

(c) EXCLUSION.—For purposes of this Act, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

42 USC 11303.

SEC. 104. FUNDING AVAILABILITY AND LIMITATIONS.

(a) CALCULATION.—The amounts authorized in this Act shall be in addition to any amount appropriated for the programs involved before the date of the enactment of this Act.

(b) AVAILABILITY UNTIL EXPENDED.—Any amount appropriated under an authorization in this Act shall remain available until expended.

(c) LIMITATION.—Appropriations pursuant to the authorizations in this Act shall be made in accordance with the provisions of the Congressional Budget and Impoundment Control Act of 1974, which prohibits the consideration of any bill that would cause the deficit to exceed the levels established by the Balanced Budget and Emergency Deficit Control Act of 1985, such that it shall not increase the deficit of the Federal Government for fiscal year 1987.

2 USC 621 note.

2 USC 901 note.

101 STAT. 486

Reports.
42 USC 11304.

SEC. 105. AUDITS BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall evaluate the disbursement and use of the amounts made available by appropriation Acts under the authorizations in titles III and IV, and submit a report to the Congress setting forth the findings of such evaluation, upon the expiration of the 4-month and 12-month periods beginning on the date of the enactment of this Act.

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

42 USC 11311.

SEC. 201. ESTABLISHMENT.

There is established in the executive branch an independent establishment to be known as the Interagency Council on the Homeless.

42 USC 11312.

SEC. 202. MEMBERSHIP.

(a) MEMBERS.—The Council shall be composed of the following members:

(1) The Secretary of Agriculture, or the designee of the Secretary.

(2) The Secretary of Commerce, or the designee of the Secretary.

(3) The Secretary of Defense, or the designee of the Secretary.
(4) The Secretary of Education, or the designee of the Secretary.
(5) The Secretary of Energy, or the designee of the Secretary.
(6) The Secretary of Health and Human Services, or the designee of the Secretary.
(7) The Secretary of Housing and Urban Development, or the designee of the Secretary.
(8) The Secretary of the Interior, or the designee of the Secretary.
(9) The Secretary of Labor, or the designee of the Secretary.
(10) The Secretary of Transportation, or the designee of the Secretary.
(11) The Director of the ACTION Agency, or the designee of the Director.
(12) The Director of the Federal Emergency Management Agency, or the designee of the Director.
(13) The Administrator of General Services, or the designee of the Administrator.
(14) The Postmaster General of the United States, or the designee of the Postmaster General.
(15) The Administrator of Veterans' Affairs, or the designee of the Administrator.
(16) The heads of such other Federal agencies as the Council considers appropriate, or their designees.

(b) CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among its members.

(c) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members. The first meeting of the Council shall be held not later than 30 days after the date of the enactment of this Act.

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(d) PROHIBITION OF ADDITIONAL PAY.—Members of the Council shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

SEC. 203. FUNCTIONS.

42 USC 11313.

(a) DUTIES.—The Council shall—
(1) review all Federal activities and programs to assist homeless individuals;
(2) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies to assist homeless individuals;
(3) monitor, evaluate, and recommend improvements in programs and activities to assist homeless individuals conducted by Federal agencies, State and local governments, and private voluntary organizations; State and local governments.
(4) provide professional and technical assistance, through personnel employed by the Council in each of the 10 standard Federal regions, to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to— State and local governments.
(A) effectively coordinate and maximize resources of existing programs and activities to assist homeless individuals; and
(B) develop new and innovative programs and activities to assist homeless individuals;
(5) collect and disseminate information relating to homeless individuals; and Public information.
(6) prepare the annual reports required in subsection (c)(2). Reports.

(b) AUTHORITY.—In carrying out subsection (a), the Council may—
(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to assist homeless individuals; and
(2) publish a newsletter concerning Federal, State, and local programs that are effectively meeting the needs of homeless individuals.

(c) REPORTS.—

(1) Within 90 days after the date of the enactment of this Act, and annually thereafter, the head of each Federal agency that is a member of the Council shall prepare and transmit to the Congress and the Council a report that describes—

(A) each program to assist homeless individuals administered by such agency and the number of homeless individuals served by such program;

(B) impediments, including any statutory and regulatory restrictions, to the use by homeless individuals of each such program and to obtaining services or benefits under each such program; and

(C) efforts made by such agency to increase the opportunities for homeless individuals to obtain shelter, food, and supportive services.

(2) The Council shall prepare and transmit to the President and the Congress an annual report that—

(A) assesses the nature and extent of the problems relating to homelessness and the needs of homeless individuals;

101 STAT. 488

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to subparagraph (A);

State and local governments.

(C) describes the accomplishments and activities of the Council, in working with Federal, State, and local agencies and public and private organizations in order to provide assistance to homeless individuals;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to subparagraph (A); and

(E) specifies any recommendations of the Council for appropriate and necessary legislative and administrative actions to resolve such problems and meet such needs.

(d) NOTIFICATION OF OTHER FEDERAL AGENCIES.—If, in monitoring and evaluating programs and activities to assist homeless individuals conducted by other Federal agencies, the Council determines that any significant problem, abuse, or deficiency exists in the administration of the program or activity of any Federal agency, the Council shall submit a notice of the determination of the Council to the Inspector General of the Federal agency (or the head of the Federal agency, in the case of a Federal agency that has no Inspector General).

42 USC 11314.

SEC. 204. DIRECTOR AND STAFF.

Wages.

(a) DIRECTOR.—The Council shall appoint an Executive Director, who shall be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Council shall appoint an Executive Director at the first meeting of the Council held under section 202(c).

(b) ADDITIONAL PERSONNEL.—With the approval of the Council, the Executive Director of the Council may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) DETAILS FROM OTHER AGENCIES.—Upon request of the Council, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title. Upon request of the Council, the Secretary of Health and Human Services shall detail, on a reimbursable basis, any of the personnel of the Department of Health and Human Services who have served the Federal Task Force on the Homeless of the Department to assist the Council in carrying out its duties under this title.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Housing and Urban Development shall provide the Council with such administrative and support services as are necessary to ensure that the Council

carries out its functions under this title in an efficient and expeditious manner.

(e) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Executive Director of the Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 205. POWERS. 42 USC 11315.

(a) MEETINGS.—For the purpose of carrying out this title, the Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate. 101 STAT. 489

(b) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this title.

(c) INFORMATION.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. Upon request of the Chairperson of the Council, the head of such agency shall furnish such information to the Council.

(d) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property. Gifts and property.

(e) MAILS.—The Council may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 206. TRANSFER OF FUNCTIONS. 42 USC 11316.

(a) TRANSFERS FROM HHS TASK FORCE.—The Council shall be the successor to the Federal Task Force on the Homeless of the Department of Health and Human Services. The property, records, and undistributed program funds of the Task Force shall be transferred to the Council.

(b) TERMINATION OF HHS TASK FORCE.—The Secretary of Health and Human Services shall terminate the Federal Task Force on the Homeless of the Department of Health and Human Services as soon as practicable following the first meeting of the Council.

SEC. 207. DEFINITIONS. 42 USC 11317.

For purposes of this title:

(1) The term "Council" means the Interagency Council on the Homeless established in section 201.

(2) The term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS. 42 USC 11318.

There are authorized to be appropriated to carry out this title $200,000 for fiscal year 1987 and $2,500,000 for fiscal year 1988.

SEC. 209. TERMINATION. 42 USC 11319.

The Council shall cease to exist, and the requirements of this title shall terminate, upon the expiration of the 3-year period beginning on the date of the enactment of this Act.

TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

Subtitle A—Administrative Provisions

SEC. 301. EMERGENCY FOOD AND SHELTER PROGRAM NATIONAL BOARD. 42 USC 11331.

(a) ESTABLISHMENT.—There is established to carry out the provisions of this title the Emergency Food and Shelter Program National Board. The Director of the Federal Emergency Management Agency shall constitute the National Board in accordance with subsection (b) in administering the program under this title.

101 STAT. 490

(b) MEMBERS.—The National Board shall consist of the Director and 6 members appointed by the Director. The initial members of the National Board shall be appointed by the Director not later than 30 days after the date of the enactment of this Act. Each such member shall be appointed from among individuals nominated by 1 of the following organizations:

(1) The United Way of America.
(2) The Salvation Army.
(3) The National Council of Churches of Christ in the U.S.A.
(4) Catholic Charities U.S.A.
(5) The Council of Jewish Federations, Inc.
(6) The American Red Cross.

(c) CHAIRPERSON.—The Director shall be the Chairperson of the National Board.

(d) OTHER ACTIVITIES.—Except as otherwise specifically provided in this title, the National Board shall establish its own procedures and policies for the conduct of its affairs.

(e) TRANSFERS FROM PREVIOUS NATIONAL BOARD.—Upon the appointment of members to the National Board under subsection (b)—

(1) the national board constituted under the emergency food and shelter program established pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 shall cease to exist; and

100 Stat. 1783-242, 3341-242.

(2) the personnel, property, records, and undistributed program funds of such national board shall be transferred to the National Board.

State and local governments. 42 USC 11332.

SEC. 302. LOCAL BOARDS.

(a) ESTABLISHMENT.—Each locality designated by the National Board shall constitute a local board for the purpose of determining how program funds allotted to the locality will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the National Board, except that the mayor or other appropriate heads of government will replace the Federal members. The chairperson of the local board shall be elected by a majority of the members of the local board. Local boards are encouraged to expand participation of other private nonprofit organizations on the local board.

(b) RESPONSIBILITIES.—Each local board shall—

(1) determine which private nonprofit organizations or public organizations of the local government in the individual locality shall receive grants to act as service providers;
(2) monitor recipient service providers for program compliance;
(3) reallocate funds among service providers;
(4) ensure proper reporting; and
(5) coordinate with other Federal, State, and local government assistance programs available in the locality.

42 USC 11333.

SEC. 303. ROLE OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) IN GENERAL.—The Director shall provide the National Board with administrative support and act as Federal liaison to the National Board.

(b) SPECIFIC SUPPORT ACTIVITIES.—The Director shall—

(1) make available to the National Board, upon request, the services of the legal counsel and Inspector General of the Federal Emergency Management Agency;

101 STAT. 491

(2) assign clerical personnel to the National Board on a temporary basis; and
(3) conduct audits of the National Board annually and at such other times as may be appropriate.

SEC. 304. RECORDS AND AUDIT OF NATIONAL BOARD AND RECIPIENTS OF ASSISTANCE. 42 USC 11334.

(a) ANNUAL INDEPENDENT AUDIT OF NATIONAL BOARD.—

(1) The accounts of the National Board shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the National Board are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the National Board and necessary to facilitate the audits shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required in section 305. Such report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities of the National Board, surplus or deficit, with an analysis of the changes during the year, supplemented in reasonable detail by a statement of the income and expenses of the National Board during the year, and a statement of the application of funds, together with the opinion of the independent auditor of such statements. Reports.

(b) ACCESS TO RECORDS OF RECIPIENTS OF ASSISTANCE.—

(1) Each recipient of assistance under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The National Board, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title.

(c) AUTHORITY OF COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall also have access to any books, documents, papers, and records of the National Board and recipients for such purpose.

SEC. 305. ANNUAL REPORT. 42 USC 11335.

The National Board shall transmit to the Congress an annual report covering each year in which it conducts activities with funds made available under this title.

101 STAT. 492

Subtitle B—Emergency Food and Shelter Grants

SEC. 311. GRANTS BY THE DIRECTOR. State and local governments. 42 USC 11341.

Not later than 30 days following the date on which appropriations become available to carry out this subtitle, the Director shall award a grant for the full amount that the Congress appropriates for the program under this subtitle to the National Board for the purpose of providing emergency food and shelter to needy individuals through private nonprofit organizations and local governments in accordance with section 313.

42 USC 11342

SEC. 312. RETENTION OF INTEREST EARNED.

Interest accrued on the balance of any grant to the National Board shall be available to the National Board for reallocation, and total administrative costs shall be determined based on total amount of funds available, including interest and any private contributions that are made to the National Board.

42 USC 11343

SEC. 313. PURPOSES OF GRANTS.

(a) ELIGIBLE ACTIVITIES.—Grants to the National Board may be used—

(1) to supplement and expand ongoing efforts to provide shelter, food, and supportive services for homeless individuals with sensitivity to the transition from temporary shelter to permanent homes, and attention to the special needs of homeless individuals with mental and physical disabilities and illnesses, and to facilitate access for homeless individuals to other sources of services and benefits;

(2) to strengthen efforts to create more effective and innovative local programs by providing funding for them; and

(3) to conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

(b) LIMITATIONS ON ACTIVITIES.—

(1) The National Board may only provide funding provided under this subtitle for—

(A) programs undertaken by private nonprofit organizations and local governments; and

(B) programs that are consistent with the purposes of this title.

(2) The National Board may not carry out programs directly.

42 USC 11344

SEC. 314. LIMITATION ON CERTAIN COSTS.

Not more than 5 percent of the total amount appropriated for the emergency food and shelter program for each fiscal year may be expended for the costs of administration.

42 USC 11345

SEC. 315. DISBURSEMENT OF FUNDS.

Any amount made available by appropriation Acts under this title shall be disbursed by the National Board before the expiration of the 3-month period beginning on the date on which such amount becomes available.

101 STAT. 493

42 USC 11346

SEC. 316. PROGRAM GUIDELINES.

(a) GUIDELINES.—The National Board shall establish written guidelines for carrying out the program under this subtitle, including—

(1) methods for identifying localities with the highest need for emergency food and shelter assistance;

(2) methods for determining the amount and distribution to such localities;

(3) eligible program costs, including maximum flexibility in meeting currently existing needs; and

(4) guidelines specifying the responsibilities and reporting requirements of the National Board, its recipients, and service providers.

(b) PUBLICATION.—Guidelines established under subsection (a) shall be published annually, and whenever modified, in the Federal Register. The National Board shall not be subject to the procedural rulemaking requirements of subchapter II of chapter 5 of title 5, United States Code.

5 USC 551

Subtitle C—General Provisions

SEC. 321. DEFINITIONS. 42 USC 11351.

For purposes of this title:

(1) The term "Director" means the Director of the Federal Emergency Management Agency.

(2) The term "emergency shelter" means a facility all or a part of which is used or designed to be used to provide temporary housing.

(3) The term "local government" means a unit of general purpose local government.

(4) The term "locality" means the geographical area within the jurisdiction of a local government.

(5) The term "National Board" means the Emergency Food and Shelter Program National Board.

(6) The term "private nonprofit organization" means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Director; and

(D) that practices nondiscrimination in the provision of assistance.

(7) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 322. AUTHORIZATION OF APPROPRIATIONS. 42 USC 11352.

There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1987 and $124,000,000 for fiscal year 1988. 101 STAT. 494

TITLE IV—HOUSING ASSISTANCE

Subtitle A—Comprehensive Homeless Assistance Plan

SEC. 401. REQUIREMENT FOR COMPREHENSIVE HOMELESS ASSISTANCE PLAN. 42 USC 11361.

(a) PLAN REQUIRED.—Assistance authorized by this title may be provided to, or within the jurisdiction of, a State or a metropolitan city or urban county that is eligible to receive a grant under the emergency shelter grants program in an amount in excess of the minimum allocation requirement applicable under section 413(b) only if— State and local governments. Urban areas.

(1) it submits to the Secretary of Housing and Urban Development (in this subtitle referred to as the "Secretary") a comprehensive homeless assistance plan (in this subtitle referred to as the "comprehensive plan"); and

(2) the comprehensive plan is approved by or in accordance with procedures established by the Secretary;

except that a private nonprofit organization may apply for and receive assistance under subtitle C or D without regard to such comprehensive plan approval if the applicable State comprehensive plan has been approved.

(b) CONTENTS.—A comprehensive plan submitted under this section shall contain—

(1) a statement describing the need for assistance under this title;

(2) a brief inventory of facilities and services that assist the homeless population within that jurisdiction;

(3) a strategy (A) to match the needs of the homeless population with available services within that jurisdiction, and (B) to recognize the special needs of the various types of homeless individuals, particularly families with children, the elderly, the mentally ill, and veterans; and

(4) an explanation of how the Federal assistance provided under this title will complement and enhance the available services.

(c) REVIEW.—

(1) Upon receipt of a comprehensive plan, the Secretary shall review the comprehensive plan. Not later than 30 days after receipt, the comprehensive plan shall be approved unless the Secretary determines that the comprehensive plan plainly does not satisfy the requirements of subsection (b), in which case the Secretary shall, not later than 15 days after the Secretary's determination, inform the State, county, or city of the reasons for disapproval as well as the steps that need to be taken to make the comprehensive plan acceptable. If the Secretary fails to inform the State, county, or city of the reasons for disapproval within such period, the comprehensive plan shall be deemed to have been approved.

(2) The Secretary shall permit amendments to, or the resubmission of, any comprehensive plan that is disapproved.

101 STAT. 495

(d) PERFORMANCE REVIEWS.—

(1) Each State, metropolitan city, and urban county described in subsection (a) shall review annually the progress it has made in carrying out its comprehensive plan.

Reports.

(2) Each State, metropolitan city, and urban county described in subsection (a) shall report annually to the Secretary the results of such review. The Secretary shall review the reports submitted under this paragraph and shall make such recommendations as may be appropriate.

(3) Further assistance under this title shall not be made available to, or within the jurisdiction of, any State, metropolitan city, or urban county described in subsection (a) that fails to review and report progress as required by paragraphs (1) and (2).

(e) PUBLICATION BY NOTICE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out this subtitle.

(f) APPLICATIONS.—Any application for assistance under this title shall contain or be accompanied by a certification by the public official responsible for submitting a comprehensive plan for the jurisdiction to be served by the proposed activities that the proposed activities are consistent with the comprehensive plan.

Subtitle B—Emergency Shelter Grants Program

42 USC 11371.

SEC. 411. DEFINITIONS.

For purposes of this subtitle:

(1) The term "local government" means a unit of general purpose local government.

(2) The term "locality" means the geographical area within the jurisdiction of a local government.

(3) The term "metropolitan city" has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

42 USC 5302.

(4) The term "operating costs" means expenses incurred by a recipient operating a facility assisted under this subtitle with respect to—

(A) the administration, maintenance, repair, and security of such housing; and

(B) utilities, fuels, furnishings, and equipment for such housing.

(5) The term "private nonprofit organization" means a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under subtitle A of such Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. 100 Stat. 2095; 26 USC 501. 26 USC 1.

(6) The term "recipient" means any governmental or private nonprofit entity that is approved by the Secretary as to financial responsibility.

(7) The term "Secretary" means the Secretary of Housing and Urban Development.

(8) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States. 101 STAT. 496

(9) The term "urban county" has the meaning given such term in section 102 of the Housing and Community Development Act of 1974. 42 USC 5302.

SEC. 412. GRANT ASSISTANCE. 42 USC 11372.

The Secretary of Housing and Urban Development shall, to the extent of amounts approved in appropriation Acts under section 417, make grants to States and local governments (and to private nonprofit organizations providing assistance to homeless individuals, in the case of grants made with reallocated amounts) in order to carry out activities described in section 414. State and local governments.

SEC. 413. ALLOCATION AND DISTRIBUTION OF ASSISTANCE. 42 USC 11373.

(a) IN GENERAL.—The Secretary shall allocate assistance under this subtitle to metropolitan cities, urban counties, and States (for distribution to local governments in the States) in a manner that ensures that the percentage of the total amount available under this subtitle for any fiscal year that is allocated to any State, metropolitan city, or urban county is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for such prior fiscal year that is allocated to such State, metropolitan city, or urban county. State and local governments. Urban areas. 42 USC 5306.

(b) MINIMUM ALLOCATION REQUIREMENT.—If, under the allocation provisions applicable under this subtitle, any metropolitan city or urban county would receive a grant of less than 0.05 percent of the amounts appropriated to carry out this subtitle for any fiscal year, such amount shall instead be reallocated to the State, except that any city that is located in a State that does not have counties as local governments, that has a population greater than 40,000 but less than 50,000 as used in determining the fiscal year 1987 community development block grant program allocation, and that was allocated in excess of $1,000,000 in community development block grant funds in fiscal year 1987, shall receive directly the amount allocated to such city under subsection (a).

(c) DISTRIBUTIONS TO NONPROFIT ORGANIZATIONS.—Any local government receiving assistance under this subtitle may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals.

(d) REALLOCATION OF FUNDS.—

(1) The Secretary shall, not less than twice during each fiscal year, reallocate any assistance provided under this subtitle that is unused or returned or that becomes available under subsection (b).

(2) If a city or county eligible for a grant under subsection (a) fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this subtitle first become available for allocation during any fiscal year, the

amount that the city or county would have received shall be available to the State in which the city or county is located if the State has obtained approval of its comprehensive plan. Any amounts that cannot be allocated to a State under the preceding sentence shall be reallocated to other States, counties, and cities that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

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(3) If a State fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this subtitle first become available for allocation during any fiscal year, the amount that the State would have received shall be reallocated to other States and to cities and counties that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

Virgin Islands.
Guam.
American Samoa.
Northern Mariana Islands.
Trust Territory of the Pacific Islands.

(e) ALLOCATIONS TO TERRITORIES.—In addition to the other allocations required in this section, the Secretary shall (for amounts appropriated after the date of enactment of this Act) allocate assistance under this subtitle to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary.

42 USC 11374.

SEC. 414. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—Assistance provided under this subtitle may be used for the following activities relating to emergency shelter for homeless individuals:

Public buildings and grounds.

(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

Employment and unemployment.
Health and medical care.
Drugs and drug abuse.
Education.

(2) The provision of essential services, including services concerned with employment, health, drug abuse, or education, if—

(A) such services have not been provided by the local government during any part of the immediately preceding 12-month period; and

(B) not more than 15 percent of the amount of any assistance to a local government under this subtitle is used for activities under this paragraph.

(3) Maintenance, operation (other than staff), insurance, utilities, and furnishings.

(b) WAIVER AUTHORITY.—The Secretary may waive the 15 percent limitation on the use of assistance for essential services contained in subsection (a)(2)(B), if the local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources.

42 USC 11375.

SEC. 415. RESPONSIBILITIES OF RECIPIENTS.

(a) MATCHING AMOUNTS.—

(1) Each recipient under this subtitle shall be required to supplement the assistance provided under this subtitle with an equal amount of funds from sources other than this subtitle. Each recipient shall certify to the Secretary its compliance with this paragraph, and shall include with such certification a description of the sources and amounts of such supplemental funds.

(2) In calculating the amount of supplemental funds provided by a recipient under this subtitle, a recipient may include the value of any donated material or building, the value of any lease on a building, any salary paid to staff to carry out the program of the recipient, and the value of the time and services contributed by volunteers to carry out the program of the recipient at a rate determined by the Secretary.

(b) ADMINISTRATION OF ASSISTANCE.—Each recipient shall act as the fiscal agent of the Secretary with respect to assistance provided to such recipient.

(c) CERTIFICATIONS ON USE OF ASSISTANCE.—Each recipient shall 101 STAT. 498
certify to the Secretary that—

(1) it will maintain any building for which assistance is used under this subtitle as a shelter for homeless individuals for not less than a 3-year period or for not less than a 10-year period if such assistance is used for the major rehabilitation or conversion of such building;

(2) any renovation carried out with assistance under this subtitle shall be sufficient to ensure that the building involved is safe and sanitary; and

(3) it will assist homeless individuals in obtaining—

(A) appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living; and Health and medical care.

(B) other Federal, State, local, and private assistance available for such individuals.

SEC. 416. ADMINISTRATIVE PROVISIONS. 42 USC 11376.

(a) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle. Such requirements shall be subject to section 553 of title 5, United States Code. The Secretary shall issue requirements based on the initial notice before the expiration of the 12-month period following the date of enactment of this Act. Prior to the issuance of such requirements in final form, the requirements established by the Secretary implementing the provisions of the emergency shelter grants program under the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall govern the emergency shelter grants program under this subtitle. 100 Stat. 1783-242, 3341-242.

(b) INITIAL ALLOCATION OF ASSISTANCE.—Not later than the expiration of the 60-day period following the date of enactment of a law providing appropriations to carry out this subtitle, the Secretary shall notify each State, metropolitan city, and urban county that is to receive a direct grant of its allocation of assistance under this subtitle. Such assistance shall be allocated and may be used notwithstanding any failure of the Secretary to issue requirements under subsection (a).

SEC. 417. AUTHORIZATION OF APPROPRIATIONS. 42 USC 11377.

In addition to other amounts authorized by law, there are authorized to be appropriated for the emergency shelter grants program $100,000,000 for fiscal year 1987 and $120,000,000 for fiscal year 1988.

Subtitle C—Supportive Housing Demonstration Program

SEC. 421. ESTABLISHMENT OF DEMONSTRATION PROGRAM. 42 USC 11381.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall carry out a program in accordance with the provisions of this subtitle to develop innovative approaches for providing supportive housing, especially to deinstitutionalized homeless individuals, 101 STAT. 499
homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons.

(b) PURPOSES.—The demonstration program carried out under this subtitle shall be designed to determine—

(1) the cost of acquisition, rehabilitation, acquisition and rehabilitation, or leasing of existing structures for the provision of supportive housing;

(2) the cost of operating such housing and providing supportive services to the residents of such housing;

(3) the social, financial, and other advantages of such housing as a means of assisting homeless individuals; and

(4) the lessons that the provision of such housing might have for the design and implementation of housing programs that serve homeless individuals and families with special needs, particularly deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons.

The Secretary shall administer the program under this subtitle and award assistance to applicants in a manner that clearly demonstrates that a central purpose and major funding priority of the program is to provide supportive housing for deinstitutionalized homeless individuals and other homeless individuals with mental disabilities.

42 USC 11382.

SEC. 422. DEFINITIONS.

For purposes of this subtitle:

(1) The term "applicant" means a State, metropolitan city, urban county, tribe, or private nonprofit organization that is eligible to be a recipient under this subtitle, except that, in the case of permanent housing for handicapped homeless persons, such term means the State in which the project is to be located.

(2) The term "handicapped" means an individual who is handicapped within the meaning of section 202 of the Housing Act of 1959.

12 USC 1701q.

(3) The term "handicapped homeless person" means a handicapped individual who is a homeless individual within the meaning of section 103, is at risk of becoming a homeless individual, or is a handicapped individual who has been a resident of transitional housing carried out pursuant to the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591.

100 Stat. 1783-242, 3341-242.

(4) The term "metropolitan city" has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

42 USC 5302.

(5) The term "operating costs" means expenses incurred by a recipient operating transitional housing under this subtitle with respect to—

(A) the administration, maintenance, repair, and security of such housing;

(B) utilities, fuel, furnishings, and equipment for such housing;

(C) the conducting of the assessment required in section 424(c)(2); and

(D) the provision of supportive services to the residents of such housing.

(6) The term "private nonprofit organization" means an organization—

101 STAT. 500

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(7) The term "project" means a structure or a portion of a structure that is acquired or rehabilitated with assistance provided under this subtitle.

(8) The term "project sponsor" means a private nonprofit organization that operates a project for permanent housing for handicapped homeless persons, and that is approved by the Governor or other chief executive official of a State as to financial responsibility.

(9) The term "recipient" means any governmental or nonprofit entity that is approved by the Secretary as to financial responsibility.

(10) The term "Secretary" means the Secretary of Housing and Urban Development.

(11) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(12) The term "supportive housing" means a project assisted under this subtitle that provides housing and supportive services for homeless individuals. Such housing shall be safe and sanitary and when appropriate meet all applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located. All or part of the supportive services may be provided directly by the recipient or by arrangements with other public or private service providers. The term includes the following:

(A) Transitional housing, which means a project assisted under this subtitle that has as its purpose facilitating the movement of homeless individuals to independent living within a reasonable amount of time, as determined by the Secretary. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental disabilities, and homeless families with children.

(B) Permanent housing for handicapped homeless persons, which means a project assisted under this subtitle that provides community-based long-term housing and supportive services for not more than 8 handicapped homeless persons and that is carried out by a project sponsor. Each project shall be either a home designed solely for housing handicapped persons or dwelling units in a multifamily housing project, condominium project, or cooperative project. Not more than 1 home may be located on any 1 site and no such home may be located on a site contiguous to another site containing such a home. All projects shall be integrated into the neighborhoods in which they are located.

101 STAT. 501

(13) The term "supportive services" means assistance designed by the recipient that the Secretary determines (A) addresses the special needs of persons, such as deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons, intended to be served by a project; and (B) assists in accomplishing the purposes of the different types of supportive housing made eligible under this subtitle.

(14) The term "urban county" has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

42 USC 5302.

SEC. 423. TYPES OF ASSISTANCE.

42 USC 11383.

(a) IN GENERAL.—The Secretary may provide the following assistance to a project under this subtitle:

(1) An advance, in an amount not to exceed $200,000, of the aggregate cost of acquisition, substantial rehabilitation, or acquisition and rehabilitation of an existing structure for use in the provision of supportive housing.

(2) A grant for moderate rehabilitation of an existing structure for use in the provision of supportive housing.

(3) Annual payments for operating costs of transitional housing, not to exceed 75 percent of the annual operating costs of such housing.

(4) Technical assistance in establishing and operating such housing and providing supportive services to the residents of such housing.

(b) REPAYMENT OF ADVANCE.—Subject to the foregoing, any advance provided under subsection (a)(1) shall be repaid on such terms

as may be prescribed by the Secretary when the project ceases to be used as supportive housing in accordance with the provisions of this subtitle. Recipients and project sponsors shall be required to repay 100 percent of the advance if the project is used as supportive housing for fewer than 10 years following initial occupancy. If the project is used as supportive housing for more than 10 years, the percentage of the amount that shall be required to be repaid shall be reduced by 10 percentage points for each year in excess of 10 that the property is used as supportive housing. A project may continue to be treated as supportive housing for purposes of this subsection if the Secretary determines that such project is no longer needed for use as supportive housing and approves the use of such project for the direct benefit of lower income persons.

(c) PREVENTION OF UNDUE BENEFITS.—Upon any sale or other disposition of a project acquired or rehabilitated with assistance under this subtitle prior to the close of 20 years after the project is placed in service, other than a sale or other disposition resulting in the use of the project for the direct benefit of lower income persons or where all of the proceeds are used to provide supportive housing, the recipient shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient from unduly benefiting from the sale or other disposition of the project.

42 USC 11384.

SEC. 424. PROGRAM REQUIREMENTS.

(a) APPLICATIONS.—

(1) Applications for assistance under this subtitle shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

101 STAT. 502

(2) The Secretary shall require that applications contain at a minimum—

(A) a description of the proposed project;

(B) a description of the size and characteristics of the population that would occupy supportive housing;

(C) a description of the public and private resources that are expected to be made available in compliance with section 425;

(D) assurances satisfactory to the Secretary that the project assisted will be operated for not less than 10 years for the purpose specified in the application;

State and local governments.

(E) a certification from the public official responsible for submitting a comprehensive plan for the jurisdiction to be served by the proposed project (by the State in the case of a project for permanent housing for the handicapped homeless) that the proposed project is consistent with the applicable comprehensive plan; and

State and local governments.

(F) in the case of permanent housing for handicapped homeless persons—

(i) a letter of participation from the Governor or other chief executive official of the State assuring that the State will promptly transmit assistance to the project sponsor and will facilitate the provision of necessary supportive services to the residents of the project;

(ii) a designation of the State agency, the primary responsibility of which is the provision of services to handicapped persons and that will assist the State housing finance agency in fulfilling the State responsibilities under this subtitle; and

(iii) an assessment of how the proposed project would meet the needs of handicapped homeless persons in the State.

(b) SELECTION CRITERIA.—The Secretary shall establish selection criteria for a national competition for assistance under this subtitle, which shall include—

(1) the ability of the applicant or the project sponsor to develop and operate supportive housing;

(2) the innovative quality of the proposal in providing supportive housing;

(3) the need for such supportive housing in the area to be served;

(4) the extent to which the amount of assistance to be provided under this subtitle will be matched with more than an equal amount of funds from other sources;

(5) the cost effectiveness of the proposed project;

(6) the extent to which the project would meet the needs of handicapped homeless persons in the State as described pursuant to subsection (a)(2)(F)(iii); and

State and local governments.

(7) such other factors as the Secretary determines to be appropriate for purposes of carrying out the demonstration program established by this subtitle in an effective and efficient manner.

(c) REQUIRED AGREEMENTS.—The Secretary may not approve assistance for any project under this subtitle unless the applicant agrees or certifies that each project sponsor has agreed—

101 STAT. 503

(1) to operate the proposed project as supportive housing in accordance with the provisions of this subtitle;

(2) to conduct an ongoing assessment of the supportive services required by the residents of the project;

(3) to provide such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of supportive services to the residents of the project;

(4) to monitor and report to the Secretary on the progress of the project; and

(5) to comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the demonstration program established in this subtitle in an effective and efficient manner.

(d) OCCUPANT RENT.—Each homeless individual residing in a facility assisted under this subtitle shall pay as rent an amount determined in accordance with the provisions of section 3(a) of the United States Housing Act of 1937.

42 USC 1437a.

SEC. 425. MATCHING FUNDS REQUIREMENTS.

42 USC 11385.

(a) TRANSITIONAL HOUSING.—Each recipient shall be required to supplement the amount of assistance provided under paragraphs (1) and (2) of section 423(a) with an equal amount of funds from sources other than this subtitle. In calculating the amount of supplemental funds provided by a recipient under this subsection, a recipient may include the value of any donated material or building and the value of any lease on a building.

(b) PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS.—

State and local governments.

(1) Each State submitting an application for assistance for permanent housing for handicapped homeless persons shall certify that it will supplement the assistance provided under this subtitle with at least an equal amount of State or local government funds—

(A) that are to be used solely for acquisition or rehabilitation; and

(B) not more than 50 percent of which may be local government funds.

(2) The Secretary may waive all or part of the requirement established in paragraph (1) if the State demonstrates to the satisfaction of the Secretary that—

(A) the State is experiencing a severe financial hardship that makes it unable to provide an equal amount of funds; and

(B) the local governments of the areas to be served by the project will contribute funds from other non-Federal sources in an aggregate amount equal to the amount of such contribution waived for the State under this paragraph.

42 USC 11386. SEC. 426. GUIDELINES.

(a) REGULATIONS.—Not later than 90 days following the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle. Until final regulations are issued under this subtitle, the regulations established by the Secretary implementing the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591 shall govern the transitional housing provisions of this subtitle.

100 Stat. 1783-242, 3341-242.

101 STAT. 504

(b) LIMITATION ON USE OF FUNDS.—No assistance received under this subtitle (or any State or local government funds used to supplement such assistance) may be used to replace other public funds previously used, or designated for use, to assist handicapped persons, homeless individuals, or handicapped homeless persons.

(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—No recipient may use more than 5 percent of an advance or grant received under this subtitle for administrative purposes.

42 USC 11387. SEC. 427. REPORT TO CONGRESS.

The Secretary shall submit to the Congress—

(1) not later than 3 months after the end of fiscal year 1987, an interim report summarizing the activities carried out under this subtitle during such fiscal year and setting forth any preliminary findings or conclusions of the Secretary as a result of such activities; and

(2) not later than 6 months after the end of fiscal year 1988, a final report summarizing all activities carried out under this subtitle and setting forth any findings, conclusions, or recommendations of the Secretary as a result of such activities.

42 USC 11388. SEC. 428. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to other amounts authorized by law, there are authorized to be appropriated to carry out this subtitle $80,000,000 for fiscal year 1987 and $100,000,000 for fiscal year 1988.

(b) SET ASIDE.—Of the funds provided under this subtitle for any fiscal year—

(1) not less than $20,000,000 shall be allocated to transitional housing projects that serve homeless families with children; and

(2) not less than $15,000,000 shall be allocated to projects that provide permanent housing for handicapped homeless persons.

(c) FUNDING CONSIDERATIONS.—The Secretary shall provide additional consideration to projects designed especially to meet the needs of deinstitutionalized homeless individuals and other homeless individuals with mental disabilities, so that such projects will receive a significant share of the funds provided under this subtitle.

Subtitle D—Supplemental Assistance for Facilities to Assist the Homeless

42 USC 11391. SEC. 431. DEFINITIONS.

For purposes of this subtitle:

(1) The term "applicant" means a State, metropolitan city, urban county, tribe, or private nonprofit organization that is eligible to be a recipient under this subtitle.

(2) The term "assistance" means non-interest bearing advances to assist the acquisition, lease, renovation, substantial rehabilitation, or conversion of facilities to assist the homeless, grants for moderate rehabilitation, and grants for other purposes.

(3) The term "metropolitan city" has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

42 USC 5302.

(4) The term "outpatient health services" means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management services. 101 STAT. 505

(5) The term "private nonprofit organization" means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(B) that has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(6) The term "recipient" means any governmental or nonprofit entity that is approved by the Secretary as to financial responsibility.

(7) The term "Secretary" means the Secretary of Housing and Urban Development.

(8) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(9) The term "supportive services" means food, child care, assistance in obtaining permanent housing, outpatient health services, employment counseling, nutritional counseling, security arrangements necessary for the protection of residents of facilities to assist the homeless, and such other services essential for maintaining independent living as the Secretary determines to be appropriate. Such term includes the provision of assistance to homeless individuals in obtaining other Federal, State, and local assistance available for such individuals, including mental health benefits, employment counseling, and medical assistance. Such term does not include major medical equipment.

(10) The term "urban county" has the meaning given such term in section 102 of the Housing and Community Development Act of 1974. 42 USC 5302.

SEC. 432. SUPPLEMENTAL ASSISTANCE. 42 USC 11392.

(a) IN GENERAL.—The Secretary of Housing and Urban Development is authorized in accordance with the provisions of this subtitle—

(1) to provide assistance to cover the costs in excess of assistance provided under the emergency shelter grant program or the supportive housing demonstration program that are required—

(A) to meet the special needs of homeless families with children, elderly homeless individuals, or the handicapped; or

(B) to facilitate the transfer and utilization of public buildings to assist homeless individuals and families; or Public buildings and grounds.

(2) to provide comprehensive assistance for particularly innovative programs for, or alternative methods of, meeting the immediate and long-term needs of homeless individuals and families by assisting— 101 STAT. 506

(A) the purchase, lease, renovation, or conversion of facilities to assist the homeless, which facilities shall be safe and sanitary and, when appropriate, meet all applicable State and local housing and building codes and licensing requirements in the jurisdiction in which the facility is located; or State and local governments.

(B) the provision of supportive services for homeless individuals.

(b) LIMITATIONS.—

(1) The Secretary may not provide assistance under this subtitle unless the Secretary determines that—

(A) the applicant has made reasonable efforts to utilize all available local resources and resources available under the other provisions of this title; and

(B) that other resources are not sufficient or are not available to carry out the purpose for which the assistance is being sought.

No assistance provided under this subtitle may be used to supplant any non-Federal resources provided with respect to any project.

(2) Any advance provided under this subtitle shall be repaid on such terms as may be prescribed by the Secretary when the project ceases to be used to assist homeless individuals in accordance with the provisions of this subtitle. A recipient shall be required to repay 100 percent of the advance if the recipient uses the project to assist homeless individuals for fewer than 10 years following initial occupancy. If the recipient uses the project to assist homeless individuals for more than 10 years, the percentage of the amount that the recipient shall be required to repay shall be reduced by 10 percentage points for each year in excess of 10 that the property is used to assist homeless individuals. A project may continue to be treated as a project to assist homeless individuals for purposes of this paragraph if the Secretary determines that such project is no longer needed to assist homeless individuals and approves the use of such project for the direct benefit of lower income persons.

(3) Upon any sale or other disposition of a project acquired, leased, renovated, rehabilitated, or converted with assistance under this subtitle prior to the close of 20 years after the project is placed in service, other than a sale or other disposition resulting in the use of the project for the direct benefit of lower income persons, the recipient shall comply with such terms and conditions as the Secretary shall have prescribed to prevent the recipient from unduly benefiting from the sale or other disposition of the project.

Health and medical care.

(4) Not more than $10,000 of any grant or advance under this subtitle may be used for outpatient health services (excluding the cost of any rehabilitation or conversion).

(c) ELIGIBILITY.—To receive assistance under this subtitle, a State, metropolitan city, urban county, tribe, or private nonprofit organization shall submit an application to the Secretary in such form and containing such information as the Secretary shall prescribe.

(d) SELECTION.—Assistance may be provided under this subtitle only to an applicant that—

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(1) has shown a demonstrated commitment to alleviating poverty;

(2) has furnished assurances satisfactory to the Secretary that any property purchased, leased, renovated, or converted with assistance under this subtitle will be operated to assist homeless individuals for not less than 10 years;

(3) has the continuing capacity to effectively provide assistance to homeless individuals; and

(4) complies with such other requirements for assistance under this section as the Secretary may establish.

To the maximum extent practicable, the Secretary shall reserve not less than 50 percent of all funds provided under this section for the support of facilities designed primarily to benefit homeless elderly individuals and homeless families with children (and a portion of such funds shall be used for child care facilities). To the extent practicable, the Secretary shall distribute the funds available to carry out this subtitle equitably across geographic areas.

(e) COORDINATION WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—

Health and medical care.

(1) Promptly upon receipt of any application for assistance under this subtitle that includes the provision of outpatient health services, the Secretary of Housing and Urban Develop-

ment shall consult with the Secretary of Health and Human Services with respect to the proposed outpatient health services. If the Secretary of Health and Human Services determines that the proposal for delivery of outpatient health services does not meet the guidelines described in paragraph (2), the Secretary of Housing and Urban Development may require resubmission of the application. The Secretary of Housing and Urban Development may not approve such portion of the application unless and until it has been resubmitted in a form that the Secretary of Health and Human Services determines meets the guidelines.

(2) The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall jointly establish guidelines for determining under this section the appropriateness of proposed outpatient health services. Such guidelines shall include such provisions as are necessary to enable the Secretary of Housing and Urban Development to meet the time limits under this subtitle for the final selection of applications for assistance.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of a grant or advance made under this section may be expended for administrative expenses.

SEC. 433. REGULATIONS. 42 USC 11393.

Not later than the expiration of the 30-day period beginning on the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle. Such requirements shall not be subject to section 553 of title 5, United States Code, or section 7(o) of the Department of Housing and Urban Development Act. Such notice shall—

Federal Register, publication. 42 USC 3535.

(1) provide that a notice of funding availability shall be published in the Federal Register not later than the expiration of the 30-day period beginning on the date on which amounts become available to carry out this subtitle;

(2) require all applications for assistance under this subtitle to be submitted not later than the expiration of the 60-day period beginning on the date on which the notice of funding availability is published in the Federal Register; and

101 STAT. 508

(3) provide that the final selection of applications for assistance under this subtitle shall be completed not later than the expiration of the 90-day period beginning on the date on which the notice of funding availability is published in the Federal Register.

SEC. 434. AUTHORIZATION OF APPROPRIATIONS. 42 USC 11394.

There are authorized to be appropriated to carry out this subtitle $25,000,000 for each of the fiscal years 1987 and 1988. Any amounts that are appropriated to carry out this subtitle and that are not reserved prior to the 30-day period preceding the close of a fiscal year shall be made available prior to the close of such fiscal year.

Subtitle E—Miscellaneous Provisions

SEC. 441. SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS. 42 USC 11401.

(a) INCREASE IN BUDGET AUTHORITY.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $35,000,000 on or after October 1, 1986, and by $35,000,000 on or after October 1, 1987. 42 USC 1437c. 42 USC 1437f.

(b) USE OF FUNDS.—The amounts made available under this section shall be used only in connection with the moderate rehabilitation of housing described in section 8(n) of the United States Housing Act of 1937 for occupancy by homeless individuals. 42 USC 1437f.

(c) ALLOCATION.—The amounts made available under this section shall be allocated by the Secretary of Housing and Urban Development on the basis of a national competition to the applicants that best demonstrate a need for the assistance under this section and the ability to undertake and carry out a program to be assisted under this section. To be considered for assistance under this section, an applicant shall submit to the Secretary of Housing and Urban Development a written proposal containing—

(1) a description of the size and characteristics of the population within the applicant's jurisdiction that would occupy single room occupancy dwellings;

(2) a listing of additional commitments from public and private sources that the applicant might be able to provide in connection with the program;

(3) an inventory of suitable housing stock to be rehabilitated with such assistance; and

(4) a description of the interest that has been expressed by builders, developers, and others (including profit and nonprofit organizations) in participating in the program.

Urban areas.

No single city or urban county shall be eligible to receive more than 10 percent of the assistance made available under this section.

Contracts. State and local governments.

(d) FIRE AND SAFETY IMPROVEMENTS.—Each contract for housing assistance payments entered into with the authority provided under this section shall require the installation of a sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as may be required by State or local law.

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(e) COST LIMITATION.—

(1) The total cost of rehabilitation that may be compensated for in a contract for housing assistance payments entered into with the authority provided under this section shall not exceed $14,000 per unit, plus the expenditures required by subsection (d).

(2) The Secretary of Housing and Urban Development shall increase the limitation contained in paragraph (1) by an amount the Secretary determines is reasonable and necessary to accommodate special local conditions, including—

(A) high construction costs; or

(B) stringent fire or building codes.

(f) CONTRACT REQUIREMENTS.—Each contract for annual contributions entered into with a public housing agency to obligate the authority made available under this section shall—

(1) commit the Secretary of Housing and Urban Development to make such authority available to the public housing agency for an aggregate period of 10 years, and require that any amendments increasing such authority shall be available for the remainder of such 10-year period;

(2) provide the Secretary of Housing and Urban Development with the option to renew the contract for an additional period of 10 years, subject to the availability of appropriations; and

(3) provide that, notwithstanding any other provision of law, first priority for occupancy of housing rehabilitated under this section shall be given to homeless individuals.

SEC. 442. COMMUNITY DEVELOPMENT BLOCK GRANT AMENDMENT.

42 USC 5302.

Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended in the second sentence by inserting "or 1984" after "fiscal year 1983".

TITLE V—IDENTIFICATION AND USE OF SURPLUS FEDERAL PROPERTY

SEC. 501. USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY FOR FACILITIES TO ASSIST THE HOMELESS. 42 USC 11411.

(a) IDENTIFICATION OF UNDERUTILIZED SUITABLE BUILDINGS AND PROPERTY.—The Secretary of Housing and Urban Development shall collect information about Federal public buildings and other Federal real properties (including fixtures) that are described in surveys by the heads of controlling agencies as underutilized and shall identify which of those buildings and properties are suitable for use for facilities to assist the homeless. The Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of General Services, shall develop criteria with respect to suitability of such property for use as facilities to assist the homeless.

(b) AGENCY RESPONSES.—The Secretary of Housing and Urban Development shall notify each Federal agency with respect to any property of that agency that the Secretary has identified under subsection (a) of this section. The head of such agency shall, within 30 days after receipt of such a notice, transmit to the Secretary and the Administrator of General Services the agency's response, which shall include—

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(1) a statement of the agency's intention to declare the property excess to the agency's need, in accordance with applicable law; or

(2) a statement of the reasons that the property cannot be declared excess.

(c) AVAILABILITY FOR FACILITIES TO ASSIST THE HOMELESS.—The Administrator of General Services and the Secretary of Health and Human Services shall, in accordance with other applicable Federal law, take such actions as may be necessary to make buildings and property identified under subsection (a) available for use for facilities to assist the homeless operated by private nonprofit organizations, units of local government, and States. State and local governments.

(d) AVAILABILITY OF FEDERAL BUILDINGS OR PROPERTY BY LEASE.—

(1) Federal buildings or property may be made available under this section only through the use of leases for at least 1 year. Ownership of the buildings and property shall not be transferred from the Federal Government.

(2) To permit leases of surplus Federal buildings and other real property under this section, the Secretary of Health and Human Services and the Administrator of General Services shall include, as a permissible use in the protection of public health within the meaning of section 203(k) of the Federal Property and Administrative Services Act of 1949, the furnishing of real property for use for facilities to assist the homeless and shall issue regulations permitting leases for such public-health purposes. 40 USC 484.

(e) QUARTERLY REPORTS.—Within 90 days after the enactment of this Act and quarterly thereafter, the Administrator of General Services shall submit to the Congress and to the Interagency Council on the Homeless quarterly reports on the implementation of this section. Such reports shall include—

(1) a list of the properties identified by the Secretary of Housing and Urban Development under subsection (a);

(2) a statement of the agency responses under subsection (b) to such identifications; and

(3) a description of the actions taken by the Administrator and the Secretary of Health and Human Services under applicable law to make such property available for use for facilities to assist the homeless operated by private nonprofit organizations, units of local government, and States. State and local governments.

State and local governments.
42 USC 11412.

SEC. 502. MAKING SURPLUS PERSONAL PROPERTY AVAILABLE TO NONPROFIT AGENCIES.

(a) ELIGIBILITY.—Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting "providers of assistance to homeless individuals" after "health centers,".

Public information.

(b) REQUIREMENT FOR NOTIFICATION.—Within 90 days after the enactment of this Act, the Administrator of General Services shall require each State agency administering a State plan under section 203(j) of the Federal Property and Administrative Services Act of 1949 to make generally available information about surplus personal property which may be used in the provision of food, shelter, or other services to homeless individuals.

40 USC 484.

(c) COSTS.—Surplus personal property identified pursuant to this section shall be made available to providers of assistance to homeless individuals by a State agency distributing such property at (1) a nominal cost to such organization or (2) at no cost when the Administrator agrees to reimburse the State agency for the costs of care and handling of such property.

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TITLE VI—HEALTH CARE FOR THE HOMELESS

Subtitle A—Primary Health Services and Substance Abuse Services

SEC. 601. ESTABLISHMENT OF GRANT PROGRAM.

42 USC 256a.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by striking subpart IV and inserting the following new subpart:

"Subpart IV—Health Services for the Homeless

"GRANT PROGRAM FOR CERTAIN HEALTH SERVICES FOR THE HOMELESS

42 USC 256.

"SEC. 340. (a) ESTABLISHMENT.—(1) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants for the purpose of enabling grantees, directly or through contracts, to provide for the delivery of health services to homeless individuals.

"(2) In carrying out the program established in paragraph (1), the Administrator shall consult with the Director of the National Institute on Alcohol Abuse and Alcoholism and with the Director of the National Institute of Mental Health.

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may not make a grant under subsection (a) to an applicant unless—

"(1) the applicant is a public or nonprofit private entity;

"(2) the applicant has the capacity to effectively administer a grant under subsection (a); and

State and local governments.
42 USC 1396.

"(3) with respect to health services that are covered in the appropriate State plan approved under title XIX of the Social Security Act—

"(A) if the applicant will provide under the grant any such health services directly—

"(i) the applicant has entered into a participation agreement under the appropriate State plan; and

"(ii) the applicant is qualified to receive payments under the appropriate State plan; and

"(B) if the applicant will provide under the grant any such health services through a contract with an organization—

"(i) the organization has entered into a participation agreement under the appropriate State plan; and

"(ii) the organization is qualified to receive payments under the appropriate State plan.

"(c) PREFERENCES IN MAKING GRANTS.—The Secretary shall, in making grants under subsection (a), give preference to qualified applicants that—

"(1)(A) are experienced in the direct delivery of primary health services to homeless individuals or medically underserved populations; or

"(B) are experienced in the treatment of substance abuse in homeless individuals or medically underserved populations; and

"(2) agree to provide for health services to homeless individuals through both public entities and private organizations.

"(d) REQUIREMENT OF SUBMISSION OF APPLICATION CONTAINING CERTAIN AGREEMENTS.—(1) The Secretary may not make a grant under subsection (a) to an applicant unless the applicant has submitted to the Secretary an application for the grant containing agreement in accordance with—

"(A) subsection (e)(1)(A)(ii), relating to the provision of matching funds;

"(B) subsection (f), relating to the provision of certain health services;

"(C) subsection (h), relating to restrictions on the use of funds;

"(D) subsection (i), relating to a limitation on charges for services;

"(E) subsection (j), relating to the administration of grants; and

"(F) subsection (k), relating to a limitation on administrative expenses.

"(2) An application required in paragraph (1) shall, with respect to agreements required to be contained in the application, provide assurances of compliance satisfactory to the Secretary and shall otherwise be in such form, be made in such manner, and contain such information in addition to information required in paragraph (1) as the Secretary determines to be necessary to carry out this section.

"(e) REQUIREMENT OF PROVISION OF MATCHING FUNDS.—(1)(A) The Secretary may not make a grant under subsection (a) to an applicant—

"(i) in an amount exceeding 75 percent of the costs of providing health services under the grant; and

"(ii) unless the applicant agrees that the applicant will make available, directly or through donations to the applicant, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under subparagraph (B)) for each $3 of Federal funds provided in such grant.

"(B)(i) Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(ii) Such determination may not include any cash or in-kind contributions that, prior to February 26, 1987, were made available by any public or private entity for the purpose of assisting homeless individuals (including assistance other than the provision of health services).

"(2) The Secretary may waive the requirement established in paragraph (1)(A) if—

"(A) the applicant involved is a nonprofit private grantee under section 330; and

"(B) the Secretary determines that it is not feasible for the applicant to comply with such requirement.

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"(f) REQUIREMENT OF PROVISION OF CERTAIN HEALTH SERVICES.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will, directly or through contract—

"(1) provide health services at locations accessible to homeless individuals;

"(2) provide to homeless individuals, at all hours, emergency health services;

"(3) refer homeless individuals as appropriate to medical facilities for necessary hospital services;

"(4) refer for mental health services homeless individuals who are mentally ill to entities that provide such services, unless the applicant will provide such services pursuant to subsection (g);

"(5) provide outreach services to inform homeless individuals of the availability of health services; and

"(6) aid homeless individuals in establishing eligibility for assistance, and in obtaining services, under entitlement programs.

"(g) OPTIONAL PROVISION OF MENTAL HEALTH SERVICES.—A grantee under subsection (a) may expend amounts received pursuant to such subsection for the purpose of providing mental health services to homeless individuals.

"(h) RESTRICTIONS ON USE OF GRANT FUNDS.—(1) The Secretary may not, except as provided in paragraph (2), make a grant under subsection (a) to an applicant unless the applicant agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

"(A) for any purpose other than the purposes described in subsections (a) and (g);

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"(B) to provide inpatient services, except with respect to residential treatment for substance abuse provided in settings other than hospitals;

"(C) to make cash payments to intended recipients of health services or mental health services; or

Real property.

"(D) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(2) If the Secretary finds that the purpose described in subsection a) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified applicant, waive the restriction established in paragraph (1)(D).

"(i) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that, whether health services are provided directly or through contract—

"(1) health services under the grant will be provided without regard to ability to pay for the health services; and

"(2) if a charge is imposed for the delivery of health services, such charge—

"(A) will be made according to a schedule of charges that is made available to the public;

"(B) will not be imposed on any homeless individual with an income less than the official poverty level; and

"(C) will be adjusted to reflect the income and resources

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of the homeless individual involved.

"(j) REQUIREMENTS WITH RESPECT TO ADMINISTRATION.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant—

"(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant;

"(2) agrees to establish an ongoing program of quality assurance with respect to the health services provided under the grant;

"(3) agrees to ensure the confidentiality of records maintained on homeless individuals receiving health services under the grant; Classified information.

"(4) with respect to providing health services to any population of homeless individuals a substantial portion of which has a limited ability to speak the English language— Bilingual services.

"(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

"(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan; and

"(5) agrees to submit to the Secretary an annual report that describes the utilization and costs of health services provided under the grant and that provides such other information as the Secretary determines to be appropriate. Reports.

"(k) LIMITATION ON ADMINISTRATIVE EXPENSES OF GRANTEE.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will not expend more than 10 percent of amounts received pursuant to such subsection for the purpose of administering the grant.

"(l) USE OF GRANT FUNDS FOR REFERRALS TO CERTAIN ADVOCACY SYSTEMS.—A grantee under subsection (a) may, with respect to title I of the Protection and Advocacy for Mentally Ill Individuals Act of 1986, expend amounts received under subsection (a) for the purpose of referring homeless individuals who are chronically mentally ill, and who are eligible under such Act, to systems that provide advocacy services under such Act. 42 USC 10801.

"(m) USE OF SELF-HELP ORGANIZATIONS.—Any grantee under subsection (a) may provide health services through contracts with nonprofit self-help organizations that—

"(1) are established and managed by current and former recipients of mental health services, or substance abuse services, who have been homeless individuals; and

"(2) with respect to the provision of health services described in subsection (b)(3), are organizations qualified under subparagraph (B) of such subsection.

"(n) TECHNICAL ASSISTANCE.—(1) The Secretary may, without charge to any grantee under subsection (a), provide technical assistance to any such grantee with respect to the planning, development, and operation of programs to carry out the purpose described in such subsection. The Secretary may provide such technical assistance directly, through contract, or through grants.

"(2) Of the amounts appropriated pursuant to subsection (p)(1), the Secretary may expend not more than $2,000,000 for the purpose of carrying out paragraph (1).

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"(o) ANNUAL REPORTS BY SECRETARY.—Not later than January 10 of each year, the Secretary shall submit to the Congress a report describing the utilization and costs of health services provided under subsection (a) during the immediately preceding fiscal year.

"(p) FUNDING.—(1) There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 1987 and $30,000,000 for fiscal year 1988. Appropriation authorization.

"(2) Amounts received by a grantee pursuant to subsection (a) remaining unobligated at the end of the fiscal year in which the amounts were received shall remain available to the grantee during the succeeding fiscal year for the purpose described in such subsection.

"(q) DEFINITIONS.—For purposes of this section:

"(1) The term 'health services' means primary health services and substance abuse services.

"(2) The term 'homeless individual' means an individual who lacks housing (without regard to whether the individual is a

member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations.

"(3) The term 'medically underserved population' has the meaning given such term in section 330(b)(3).

"(4) The term 'official poverty level' means the nonfarm income official poverty line defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

42 USC 9902.

"(5) The term 'organization' includes individuals, corporations, partnerships, companies, and associations.

"(6) The term 'primary health services' has the meaning given such term in section 330(b)(1).

"(7) The term 'substance abuse' has the meaning given such term in section 536(4).

"(8) The term 'substance abuse services' includes detoxification and residential treatment for substance abuse provided in settings other than hospitals.".

SEC. 602. PROVISION OF HEALTH SERVICES TO THE HOMELESS BY NATIONAL HEALTH SERVICE CORPS.

Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended by adding at the end the following new paragraph: "(3) Homeless individuals (as defined in section 340(q)(2)) may be a population group under paragraph (1).".

42 USC 11301 note.

SEC. 603. REQUIREMENT OF CERTAIN STUDY WITH RESPECT TO HOMELESSNESS.

The Secretary of Health and Human Services shall, not later than 18 months after the date of the enactment of this Act—

(1) complete a study with respect to determining the extent to which the mental health deinstitutionalization policies of the States are contributing to the problem of homelessness; and

(2) submit to the Congress the findings made as a result of such study, including any recommendations of the Secretary with respect to administrative and legislative initiatives that can reduce the number of chronically mentally ill individuals who are homeless.

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Subtitle B—Community Mental Health Services

State and local governments.

SEC. 611. ESTABLISHMENT OF BLOCK GRANT PROGRAM FOR SERVICES TO HOMELESS INDIVIDUALS WHO ARE CHRONICALLY MENTALLY ILL.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

42 USC 290dd *et seq.*

(1) by redesignating part C as part D;

42 USC 290dd—290dd-3, 290ee—290ee-3.

(2) by redesignating sections 520 through 527 as sections 541 through 548, respectively; and

(3) by inserting after part B the following new part:

"PART C—COMMUNITY MENTAL HEALTH SERVICES FOR THE HOMELESS

"ESTABLISHMENT OF BLOCK GRANT PROGRAM FOR SERVICES TO HOMELESS INDIVIDUALS WHO ARE CHRONICALLY MENTALLY ILL

42 USC 290cc-21.

"SEC. 521. (a) REQUIREMENT OF ALLOTMENTS FOR STATES.—The Secretary shall for fiscal years 1987 and 1988 allot to each State an amount determined in accordance with sections 528 and 529. The Secretary shall, in accordance with section 530, make payments each such fiscal year to each State from the allotment for the State

if the Secretary approves for each such fiscal year an application submitted by the State pursuant to section 522.

"(b) PURPOSE OF ALLOTMENTS.—The Secretary may not make payments under subsection (a) to a State for a fiscal year unless the State agrees that amounts received by the State pursuant to such subsection will be expended only for the purpose of providing, in accordance with section 524, community mental health services to homeless individuals who are chronically mentally ill.

"REQUIREMENT OF SUBMISSION OF APPLICATION CONTAINING CERTAIN AGREEMENTS

"SEC. 522. (a) IN GENERAL.—The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State has submitted to the Secretary an application for the payments containing agreements in accordance with— 42 USC 290cc-22.

"(1) section 521(b), relating to the purpose of allotments;

"(2) section 523(a)(2), relating to the provision of matching funds;

"(3) section 524, relating to the provision of certain mental health services;

"(4) section 525, relating to restrictions on the use of payments;

"(5) section 526, relating to the submission of a description of the intended use of a block grant; and

"(6) section 527, relating to reports by the States.

"(b) CERTIFICATIONS.—Agreements required under subsection (a) to be submitted to the Secretary shall be made through certification from the chief executive officer of the State involved.

"(c) SUBMISSION OF CERTAIN DOCUMENTS RELATING TO USE OF PAYMENTS.—

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"(1) The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the application submitted pursuant to subsection (a) contains the description required in section 526.

"(2) For fiscal years subsequent to fiscal year 1987, the Secretary may not make payments under section 521(a) to a State unless such application contains the report required in section 527.

"(d) ADDITIONAL REQUIRED INFORMATION.—An application required in subsection (a) shall, with respect to agreements required to be contained in the application, provide assurances of compliance satisfactory to the Secretary and shall otherwise be in such form, be made in such manner, and contain such information in addition to information required in subsections (a) and (c) as the Secretary determines to be necessary to carry out this part.

"REQUIREMENT OF PROVISION OF MATCHING FUNDS

"SEC. 523. (a) IN GENERAL.—The Secretary may not make payments under section 521(a) to a State— 42 USC 290cc-23.

"(1) in an amount exceeding 75 percent of the costs of providing services described in section 521(b); and

"(2) unless the State agrees that the State will make available, directly or through donations from public or private entities, non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under subsection (b)) for each $3 of Federal funds provided in such grant.

"(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

"(1) Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(2) A determination under paragraph (1) may not include any cash or in-kind contributions that, prior to February 26, 1987, were made available by any public or private entity for the purpose of assisting homeless individuals (including assistance other than the provision of community mental health services).

"REQUIREMENT OF PROVISION OF CERTAIN MENTAL HEALTH SERVICES

42 USC 290cc-24.

"SEC. 524. (a) IN GENERAL.—The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that projects receiving amounts pursuant to such section will—

"(1) provide outreach services to chronically mentally ill individuals who are homeless or who are subject to a significant probability of becoming homeless;

"(2) provide community mental health services, diagnostic services, crisis intervention services, and habilitation and rehabilitation services to individuals described in paragraph (1);

Drugs and drug abuse

"(3) refer such individuals as appropriate to medical facilities for necessary hospital services and to entities that provide primary health services and substance abuse services;

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"(4) provide, in accordance with subsection (b), appropriate training to individuals who provide services to individuals described in paragraph (1), including the training of individuals who work in shelters, mental health clinics, and other sites where homeless individuals receive services;

"(5) provide appropriate case management services to homeless individuals, including—

"(A) preparing a plan for the provision of community mental health services to the homeless individual involved and reviewing such plan not less than once every 3 months;

"(B) providing assistance in obtaining and coordinating social and maintenance services for the individual, including services relating to daily living activities, transportation services, and habilitation and rehabilitation services, prevocational and vocational services, and housing services;

"(C) providing assistance to the individual in obtaining income support services, including housing assistance, food stamps, and supplemental security income benefits;

"(D) referring the individual for such other services as may be appropriate; and

"(E) providing representative payee services in accordance with section 1631(a)(2) of the Social Security Act if the individual is receiving aid under title XVI of such Act and if the applicant is designated by the Secretary to provide such services; and

42 USC 1383.
42 USC 1381.

"(6) provide supportive and supervisory services to homeless individuals in residential settings not supported under—

"(A) the transitional housing demonstration program carried out by the Secretary of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591; or

100 Stat. 1783-242, 3341-242.

"(B) the supportive housing demonstration program established in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act.

"(b) CERTAIN REQUIREMENTS WITH RESPECT TO TRAINING OF STAFF.—The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that training required in subsection (a)(4) will include training with respect to—

"(1) identifying individuals who are chronically mentally ill;

"(2) referring individuals to services available to such individuals, including job training services, literacy education, community health centers, community mental health centers, and substance abuse treatment programs; and

"(3) identifying programs that provide benefits to homeless individuals and referring such individuals to the programs.

"RESTRICTIONS ON USE OF PAYMENTS

"SEC. 525. (a) IN GENERAL.—The Secretary may not make payments under section 521(a) to a State unless the applicant agrees that amounts received pursuant to such section will not be expended— 42 USC 290cc-25.

"(1) to provide inpatient services;

"(2) to make cash payments to intended recipients of mental health services;

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"(3) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment; or Real property.

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(b) LIMITATION WITH RESPECT TO ADMINISTRATIVE EXPENSES.—The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that the State will not expend more than 4 percent of the payments for the purpose of administering the payments and that the State will pay from non-Federal sources the remaining costs of administering the payments.

"REQUIREMENT OF SUBMISSION OF DESCRIPTION OF INTENDED USE OF BLOCK GRANT

"SEC. 526. (a) IN GENERAL.—The Secretary may not make payments under section 521(a) to a State for a fiscal year unless— 42 USC 290cc-26.

"(1) the State submits to the Secretary a description of the intended use for the fiscal year of the amounts for which the State is applying pursuant to such section;

"(2) such description identifies the geographic areas within the State in which the greatest numbers of homeless individuals with a need for mental health services are located;

"(3) such description provides information relating to the programs and activities to be supported and services to be provided, including information relating to coordinating such programs and activities with any similar programs and activities of public and private entities; and

"(4) the State agrees that such description will be revised throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State pursuant to section 521.

"(b) OPPORTUNITY FOR PUBLIC COMMENT.—The Secretary may not make payments under section 521(a) to a State for a fiscal year unless the State agrees that, in developing and carrying out the description required in subsection (a), the State will provide public notice with respect to the description (including any revisions) and such opportunities as may be necessary to provide interested persons an opportunity to present comments and recommendations with respect to the description.

"(c) RELATIONSHIP TO STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLAN.—

"(1) For fiscal year 1987, the Secretary may not make payments under section 521(a) to a State unless the services to be provided pursuant to the description required in subsection (a) are consistent with the State comprehensive mental health services plan required in subpart 2 of part B of title XIX. 42 USC 300x.

"(2) For fiscal years subsequent to fiscal year 1987, the Secretary may not make payments under section 521(a) to a State unless the services to be provided pursuant to the description required in subsection (a) have been considered in the preparation of, have been included in, and are consistent with, the State comprehensive mental health services plan referred to in paragraph (1).

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"REQUIREMENT OF REPORTS BY STATES

42 USC 290cc-27.

"SEC. 527. (a) IN GENERAL.—For fiscal years subsequent to fiscal year 1987, the Secretary may not make payments under section 521(a) to a State unless the State agrees that the State will prepare and submit to the Secretary an annual report in such form and containing such information as the Secretary determines (after consultation with the States and the Comptroller General of the United States) to be necessary for—

"(1) securing a record and a description of the purposes for which amounts received under section 521(a) were expended and of the recipients of such amounts;

"(2) determining whether such amounts were expended in accordance with the needs within the State identified pursuant to section 526(a)(2); and

"(3) determining whether such amounts were expended in accordance with the purpose described in section 521(b).

"(b) AVAILABILITY TO PUBLIC OF REPORTS.—The Secretary may not make payments under section 521(a) to a State unless the State agrees that the State will make copies of the reports described in subsection (a) available for public inspection.

"(c) EVALUATIONS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of grants under this part in order to ensure that expenditures are consistent with the provisions of this part.

"DETERMINATION OF AMOUNT OF ALLOTMENTS

42 USC 290cc-28.

"SEC. 528. (a) IN GENERAL.—The allotment for a State under section 521(a) for a fiscal year shall be the greater of—

"(1) $275,000; and

"(2) an amount determined in accordance with subsection (b).

"(b) DETERMINATION OF TENTATIVE AMOUNT OF ALLOTMENT.—

"(1) The amount referred to in subsection (a)(2) is the product of—

"(A) an amount equal to the amounts appropriated for the fiscal year pursuant to section 535; and

"(B) the percentage described in paragraph (2).

Urban areas.

"(2) The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

"(A) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; divided by

"(B) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for each State under subparagraph (A).

"DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS

42 USC 290cc-29.

"SEC. 529. (a) ADDITIONAL ALLOTMENTS FOR CERTAIN STATES.—Amounts described in subsection (b) shall be allotted each fiscal year by the Secretary to States receiving allotments under section 521(a) for the fiscal year (other than any State described in subsection (b)(3)). The amount of an allotment for a State shall be determined in accordance with subsection (c).

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"(b) DESCRIPTION OF FUNDS.—The amounts referred to in subsection (a) are any amounts made available in appropriations Acts for allotments under section 521(a) that are not allotted under such section as a result of—

"(1) the failure of any State to submit an application under section 522;

"(2) the failure of any State to prepare, within a reasonable period of time in the determination of the Secretary, such application in compliance with such section; or

"(3) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State.

"(c) DETERMINATION OF AMOUNT OF ALLOTMENT.—The allotment under subsection (a) for a State shall be an amount equal to the product of—

"(1) an amount equal to the amount described in subsection (b) for the fiscal year; and

"(2) the percentage determined under section 528(b)(2) for the State involved.

"DISBURSEMENT AND AVAILABILITY OF FUNDS

"SEC. 530. (a) DISBURSEMENT.—Payments under section 521(a) shall be made in accordance with section 6503(a) of title 31, United States Code. 42 USC 290cc-30.

"(b) AVAILABILITY.—Amounts received by a State under section 521(a) remaining unobligated at the end of the fiscal year in which the amounts were received shall remain available to the State during the succeeding fiscal year for the purpose described in section 521(b).

"TECHNICAL ASSISTANCE

"SEC. 531. The Secretary may, without charge to a State receiving amounts under section 521(a), provide technical assistance to the State with respect to the planning, development, and operation of programs to carry out the purpose described in section 521(b). The Secretary may provide such technical assistance directly, through contract, or through grants. 42 USC 290cc-31.

"FAILURE TO COMPLY WITH AGREEMENTS

"SEC. 532. (a) REPAYMENT OF PAYMENTS.— 42 USC 290cc-32.

"(1) The Secretary may, in accordance with subsection (c), require a State to repay any amounts received under section 521(a) that, in the determination of the Secretary, were not expended by the State in accordance with the agreements required to be contained in the application submitted by the State pursuant to section 522.

"(2) If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under section 521(a).

"(b) WITHHOLDING OF PAYMENTS.—

"(1) The Secretary may, in accordance with subsection (c), withhold payments due under section 521(a) if the Secretary determines that the State involved is not expending amounts received under such section in accordance with the agreements required to be contained in the application submitted by the State pursuant to section 522.

"(2) The Secretary shall cease withholding payments from a State under paragraph (1) if the Secretary determines that the State is expending amounts received under section 521(a) in accordance with the agreements required to be contained in the application submitted by the State pursuant to section 522.

"(c) OPPORTUNITY FOR A HEARING.—Before requiring repayment of payments under subsection (a)(1), or withholding payments under subsection (b)(1), the Secretary shall provide to the State involved an opportunity for a hearing.

"(d) CONSTRUCTION OF PURPOSE OF ALLOTMENTS.—Notwithstanding any other provision of this part, a State receiving amounts under section 521(a) may not, with respect to the agreements required to be contained in the application submitted by the State pursuant to section 522, be considered to be in violation of any such agreements by reason of the fact that the State, in the regular course of providing mental health services to homeless individuals who are

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chronically mentally ill, incidentally provides mental health services to homeless individuals who are not chronically mentally ill.

"ESTABLISHMENT OF PROHIBITION AGAINST MAKING CERTAIN FALSE STATEMENTS

Fraud.
42 USC 290cc-33.

"SEC. 533. (a) IN GENERAL.—

"(1) A person may not knowingly make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payments may be made by a State from amounts paid to the State under section 521(a).

"(2) A person with knowledge of the occurrence of any event affecting the right of the person to receive any payments by a State from such amounts may not conceal or fail to disclose any such event with the intent of securing such a payment that the person is not authorized to receive or securing such a payment in an amount greater than the amount that the person is authorized to receive.

"(b) CRIMINAL PENALTY FOR VIOLATION OF PROHIBITION.—Any person who violates the prohibition established in subsection (a) may for each violation be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

"NONDISCRIMINATION

42 USC 290cc-34.

"SEC. 534. (a) IN GENERAL.—

"(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this part shall be considered to be programs and activities receiving Federal financial assistance.

42 USC 6101 note.
29 USC 794.
20 USC 1681.

"(2) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this part.

101 STAT. 523

"(b) ENFORCEMENT.—

"(1) Whenever the Secretary finds that a State, or an entity that has received a payment pursuant to section 521(a), has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, or title VI of the Civil Rights Act of 1964, as may be applicable; or

42 USC 6101 note.
29 USC 794.
42 USC 2000d.

"(C) take such other actions as may be authorized by law.

"(2) When a matter is referred to the Attorney General pursuant to paragraph (1)(A), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate

district court of the United States for such relief as may be appropriate, including injunctive relief.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 535. There are authorized to be appropriated to carry out this part $35,000,000 for fiscal year 1987 and such sums as may be necessary for fiscal year 1988. 42 USC 290cc-35.

"DEFINITIONS

"SEC. 536. For purposes of this part: 42 USC 290cc-36.

"(1) The term 'homeless individual' has the meaning given such term in section 340(q)(2).

"(2) The term 'primary health services' has the meaning given such term in section 330(b)(1).

"(3) The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(4) The term 'substance abuse' means the abuse of alcohol or other drugs.".

SEC. 612. COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROJECTS FOR HOMELESS INDIVIDUALS WHO ARE CHRONICALLY MENTALLY ILL. 42 USC 290aa-3 note.

(a) IN GENERAL.—There is authorized to be appropriated for payments pursuant to section 504(f) of the Public Health Service Act $10,000,000 for fiscal year 1987, in addition to any other amounts appropriated for such payments for such fiscal year. Such additional amounts shall be available only for the provision of community-based mental health services to homeless individuals who are chronically mentally ill. 42 USC 290aa-3.

101 STAT. 524

(b) AVAILABILITY.—Amounts paid to a grantee under section 504(f) pursuant to subsection (a) remaining unobligated at the end of the fiscal year in which the amounts were received shall remain available to the grantee during the succeeding fiscal year for the purposes for which the payments were made.

SEC. 613. COMMUNITY DEMONSTRATION PROJECTS FOR ALCOHOL AND DRUG ABUSE TREATMENT OF HOMELESS INDIVIDUALS.

(a) IN GENERAL.—Section 512 of the Public Health Service Act (42 U.S.C. 290bb-1a) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary, acting through the Director of the Institute, may make grants to, and enter into contracts and cooperative agreements with, community-based public and private nonprofit entities for the purpose of developing and expanding alcohol and drug abuse treatment services for homeless individuals. In carrying out this subsection, the Director shall consult with the Director of the National Institute on Drug Abuse. Contracts.

"(2) Amounts paid to a grantee pursuant to paragraph (1) remaining unobligated at the end of the fiscal year in which the amounts were received shall remain available to the grantee during the succeeding fiscal year for the purposes for which the grants were made.".

(b) LIMITATION ON AUTHORITY TO MAKE GRANTS.—Section 512(d) of the Public Health Service Act (as redesignated in subsection (a) of this section) is amended by striking "subsection (a)" and inserting "subsection (a) or (c)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 513 of the Public Health Service Act (42 U.S.C. 290bb-2) is amended—

(1) by inserting "(a)" after "513."; and

(2) by adding at the end the following new subsection:

"(b) There is authorized to be appropriated to carry out section 512(c) $10,000,000 for fiscal year 1987.".

TITLE VII—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS

Subtitle A—Adult Education for the Homeless

SEC. 701. AMENDMENT TO ADULT EDUCATION ACT.

(a) STATE PLANS.—Section 306(b) of the Adult Education Act (20 U.S.C. 1205(b)) is amended—

(1) in paragraph (1), by inserting "homeless adults," after "English language skills,";

(2) in paragraph (7), by inserting "organizations providing assistance to the homeless," after "antipoverty programs,"; and

(3) in paragraph (8), by inserting "homeless adults," after "English language skills,".

(b) RESEARCH AND DEMONSTRATION.—Section 309(a)(1)(A) of the Adult Education Act (20 U.S.C. 1207a(a)(1)(A)) is amended—

(1) by inserting "homeless adults," before "elderly"; and

101 STAT. 525

(2) by inserting a comma after "individuals".

42 USC 11421.

SEC. 702. STATEWIDE LITERACY INITIATIVES.

Grants.

(a) GENERAL AUTHORITY.—The Secretary of Education shall make grants to State educational agencies to enable each such agency to develop a plan and implement a program of literacy training and basic skills remediation for adult homeless individuals within the State, which shall—

(1) include a program of outreach activities; and

(2) be coordinated with existing resources such as community-based organizations, VISTA recipients, adult basic education program recipients, and nonprofit literacy-action organizations.

(b) APPLICATION.—Each State educational agency desiring to receive its allocation under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) There are authorized to be appropriated $7,500,000 for fiscal year 1987 and $10,000,000 for fiscal year 1988, for the adult literacy and basic skills remediation programs authorized by this section.

(2) The Secretary of Education shall distribute funds to States on the basis of the assessments of the homeless population in the States made in the comprehensive plans submitted under this Act, except that no State shall receive less than $75,000 under this section.

(d) DEFINITION.—As used in this section, the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subtitle B—Education for Homeless Children and Youth

42 USC 11431.

SEC. 721. STATEMENT OF POLICY.

It is the policy of the Congress that—

(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and

(2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will

review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.

SEC. 722. GRANTS FOR STATE ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH. 42 USC 11432.

(a) GENERAL AUTHORITY.—The Secretary of Education is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (c), (d), and (e).

(b) ALLOCATION.—From the amounts appropriated for each fiscal year pursuant to subsection (g), the Secretary shall allot to each State an amount which bears the same ratio to the amount appropriated in each such year as the amount allocated under section 111 of the Elementary and Secondary Education Act of 1965 (as incorporated by reference in chapter 1 of the Education Consolidation and Improvement Act of 1981) to the local educational agencies in the State in that year bears to the total amount allocated to such agencies in all States, except that no State shall receive less than $50,000 in any fiscal year. 101 STAT. 526 20 USC 3801 note.

(c) AUTHORIZED ACTIVITIES.—Grants under this section shall be used—

(1) to carry out the policies set forth in section 721 in the State;

(2) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in accordance with subsection (d); and Office of Coordinator of Education of Homeless Children and Youth, establishment.

(3) to prepare and carry out the State plan described in subsection (e).

(d) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

(1) gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and the difficulties in identifying the special needs of such children; Schools and colleges.

(2) develop and carry out the State plan described in subsection (e); and

(3) prepare and submit to the Secretary an interim report not later than December 31, 1987, and a final report not later than December 31, 1988, on the data gathered pursuant to paragraph (1). Reports.

To the extent that reliable current data is available in the State, each coordinator described in this subsection may use such data to fulfill the requirements of paragraph (1).

(e) STATE PLAN.—

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to—

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirements of paragraphs (3) through (6).

(3) The local educational agency of each homeless child or youth shall either—

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living;

whichever is in the child's best interest or the youth's best interest.

101 STAT. 527

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

Records

(6) The school records of each homeless child or youth shall be maintained—

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

(B) in a manner consistent with section 438 of the General Education Provisions Act.

20 USC 1232g

(f) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1987 and 1988 to carry out the provisions of this section.

(2) Sums appropriated in each fiscal year shall remain available for the succeeding fiscal year.

42 USC 11433

SEC. 723. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED.

(a) GENERAL AUTHORITY.—

(1) The Secretary shall, from funds appropriated pursuant to subsection (f), make grants for exemplary programs that successfully address the needs of homeless students in elementary and secondary schools of the applicant.

(2) The Secretary shall, in accordance with subsection (e), conduct dissemination activities of exemplary programs designed to meet the educational needs of homeless elementary and secondary school students.

(b) APPLICANTS.—The Secretary shall make grants to State and local educational agencies for the purpose described in paragraph (1) of subsection (a).

(c) ELIGIBILITY FOR GRANTS.—No applicant may receive an exemplary grant under this section unless the applicant is located in a State which has submitted a State plan in accordance with the provisions of section 722.

(d) APPLICATION.—Each applicant which desires to receive a demonstration grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the exemplary program for which assistance is sought;

101 STAT. 528

(2) assurances that the applicant will transmit information with respect to the conduct of the program for which assistance is sought; and

(3) such additional assurances that the Secretary determines are necessary.

(e) DISSEMINATION OF INFORMATION ACTIVITIES.—The Secretary shall, from funds appropriated pursuant to subsection (f), conduct, directly or indirectly by way of grant, contract, or other arrangement, dissemination activities designed to inform State and local educational agencies of exemplary programs which successfully address the special needs of homeless students.

(f) APPROPRIATIONS AUTHORIZED.—There is authorized to be appropriated $2,500,000 for fiscal year 1988 to carry out the provisions of this section.

SEC. 724. NATIONAL RESPONSIBILITIES.

Reports.
42 USC 11434.

(a) GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall prepare and submit to the Congress not later than June 30, 1988, a report on the number of homeless children and youth in all States.

(b) SECRETARIAL RESPONSIBILITIES.—

(1) The Secretary shall monitor and review compliance with the provisions of this subtitle in accordance with the provisions of the General Education Provisions Act.

(2) The Secretary shall prepare and submit a report to the Congress on the programs and activities authorized by this subtitle at the end of each fiscal year.

(3) The Secretary shall compile and submit a report to the Congress containing the information received from the States pursuant to section 722(d)(3) within 45 days of its receipt.

SEC. 725. DEFINITIONS.

42 USC 11435.

As used in this subtitle—

(1) the term "Secretary" means the Secretary of Education; and

(2) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Subtitle C—Job Training for the Homeless

Employment and unemployment.

SEC. 731. DEMONSTRATION PROGRAM AUTHORIZED.

42 USC 11441.

(a) GENERAL AUTHORITY.—The Secretary of Labor shall, from funds appropriated pursuant to section 739, make grants for the Federal share of job training demonstration projects for homeless individuals in accordance with the provisions of this subtitle.

Grants.

(b) CONTRACT AUTHORITY.—The Secretary is authorized to enter into such contracts with State and local public agencies, private nonprofit organizations, private businesses, and other appropriate entities as may be necessary to carry out the provisions of this subtitle.

SEC. 732. STATE COORDINATION WITH DEMONSTRATION GRANT RECIPIENTS.

42 USC 11442.

A State shall describe in the comprehensive plan required under section 401 how the State will coordinate projects conducted within a State under this subtitle with other services for homeless individuals assisted under this Act.

101 STAT. 529

SEC. 733. APPLICATION.

42 USC 11443.

Each applicant which desires to receive a demonstration grant under this subtitle shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the activities for which assistance is sought;

(2) plans for the coordination and outreach activities, particularly with case managers and care providers, designed to achieve referral of homeless individuals to the demonstration projects authorized by this subtitle;

(3) plans to offer in-shelter outreach and assessment activities and where practicable, pre-employment services, so as to increase the participation of homeless individuals in the demonstration project and to contract for, or provide, training services and activities;

(4) a description of the standards by which performance may be measured under the demonstration project, together with assurances that a preliminary evaluation of the project will be completed not later than the end of the first year for which assistance is sought;

(5) assurances that the recipient of demonstration grants under this subtitle will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources; and

(6) such additional assurances as the Secretary determines are necessary to insure compliance with the requirements of this subtitle.

42 USC 11444.

SEC. 734. AUTHORIZED ACTIVITIES.

Demonstration grants under this subtitle may be used for—

(1) basic skills instruction;

(2) remedial education activities;

(3) basic literacy instruction;

(4) job search activities;

(5) job counseling;

(6) job preparatory training, including resume writing and interviewing skills; and

(7) any other activities described in section 204 of the Job Training Partnership Act which the grant recipient determines will contribute to carrying out the objectives of this subtitle; for homeless individuals.

29 USC 1604.

42 USC 11445.

SEC. 735. PAYMENTS; FEDERAL SHARE; LIMITATION.

(a) PAYMENTS.—The Secretary shall pay to each applicant having an application approved under section 733 the Federal share of the cost of activities described in the application.

(b) FEDERAL SHARE.—

(1)(A) The Federal share for each fiscal year shall be not less than 50 percent nor more than 90 percent.

(B) The Federal share shall be determined by the Secretary for each recipient under this subtitle based upon the ability of the recipient to meet the non-Federal share of the cost of the program for which assistance is sought.

101 STAT. 530

(2) The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including plant equipment or services.

Grants.

(c) LIMITATION.—The Secretary may not make grants in any State in an aggregate in excess of 15 percent of the amount appropriated to carry out this subtitle in each fiscal year.

42 USC 11446.

SEC. 736. EVALUATION.

(a) DEMONSTRATION PROJECT RESPONSIBILITY.—The Secretary shall evaluate each project assisted under this subtitle at the end of the first fiscal year for which funds are appropriated under this subtitle. The Secretary shall submit the findings of the evaluations to the Interagency Council. Not later than 6 months before the termination date specified in section 741, the Secretary shall prepare and submit a final report of the evaluations required by this subsection to the President, to the Congress, and to the Interagency Council.

Reports

(b) CONTENTS OF EVALUATIONS.—Each evaluation required by this section shall include—

(1) the number of homeless individuals served;

(2) the number of homeless individuals placed in jobs;

(3) the average length of training time under the project;

(4) the average training cost under the project; and

(5) the average retention rate of placements of homeless individuals after training with assistance made under this subtitle.

(c) EVALUATION BY INTERAGENCY COUNCIL.—

(1) The Interagency Council shall evaluate each project receiving assistance under this subtitle.

(2) The Interagency Council shall prepare and publish a report of its findings in the annual report of the Council. The evaluation of the demonstration projects authorized by this subtitle shall include a determination of the relative effectiveness of programs assisted under this subtitle together with recommendations, including recommendations for legislation, to the Congress on job training programs for homeless individuals to be established on a national basis. Reports.

SEC. 737. DEFINITIONS. 42 USC 11447.

As used in this subtitle—

(1) the term "applicant" means public agencies, private nonprofit organizations, private businesses, and other appropriate entities;

(2) the term "Interagency Council" means the Interagency Council on the Homeless;

(3) the term "local public agency" means any public agency of a general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers;

(4) the term "Secretary" means the Secretary of Labor; and

(5) the term "State" means each of the several States and the District of Columbia.

SEC. 738. HOMELESS VETERANS' REINTEGRATION PROJECTS. 42 USC 11448.

(a) GENERAL AUTHORITY.—The Secretary, using funds appropriated and made available for the purpose of carrying out this section, shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force. Notwithstanding any other provision of law, the amount so appropriated shall be available for distribution in such manner as the Assistant Secretary of Labor for Veterans' Employment and Training considers appropriate and shall remain available until expended. 101 STAT. 531

(b) AUTHORITY TO MONITOR THE EXPENDITURE OF FUNDS.—The Secretary is authorized to obtain such information as the Secretary considers appropriate to enable the Secretary to monitor and evaluate the distribution and expenditure of funds appropriated pursuant to the authorization contained in subsection (a). Such information shall be furnished to the Secretary in such form as the Secretary considers appropriate for the purpose of this subsection.

(c) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary shall administer the program provided for by this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

(d) DEFINITION.—As used in this section, the term "homeless veteran" means a homeless individual who is a veteran within the meaning of section 101(2) of title 38, United States Code.

SEC. 739. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY OF FUNDS. 42 USC 11449.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated $12,000,000 for fiscal year 1988 to carry out the provisions of this subtitle, of which $2,000,000 shall be available only for the purpose of carrying out section 738.

(2) If in fiscal year 1988 the appropriation is less than $12,000,000 to carry out the provisions of this subtitle, the amount available in such fiscal year for the programs under

this subtitle other than section 738 and for the program under section 738 shall be ratably reduced.

(3) Nothing in this subtitle shall be construed to require the Secretary to carry out the provisions of this subtitle from funds appropriated for programs other than funds appropriated for this subtitle.

(b) AVAILABILITY OF FUNDS.—Funds obligated for any fiscal year may be expended by each recipient during that fiscal year and the succeeding fiscal year.

SEC. 740. AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT.

(a) DEFINITION.—Section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)) is amended—

(1) by redesignating clauses (D) and (E) as clauses (E) and (F), respectively; and

(2) by inserting after clause (C) the following:

"(D) qualifies as a homeless individual under section 103 of the Stewart B. McKinney Homeless Assistance Act;".

(b) SERVICE REQUIREMENT.—Section 141(e) of the Job Training Partnership Act (29 U.S.C. 1551(e)) is amended by inserting before the period at the end the following: ", including exceptions necessary to permit services to homeless individuals who cannot prove residence within the service delivery area".

101 STAT. 532

42 USC 11450.

SEC. 741. TERMINATION.

The provisions of this subtitle other than section 740 shall terminate on October 1, 1990.

Subtitle D—Emergency Community Services Homeless Grant Program

42 USC 11461.

SEC. 751. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") shall carry out an emergency community services homeless grant program through the Office of Community Services of the Department of Health and Human Services.

State and local governments.
42 USC 11462.

SEC. 752. ALLOCATION OF GRANTS.

(a) GENERAL ALLOCATION PROCEDURE.—From the amounts made available under this subtitle, the Secretary shall make grants to States that administer programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.). Such grants shall be allocated to the States in accordance with the formula set forth in section 674(a)(1) of such Act (42 U.S.C. 9903(a)(1)).

(b) ALTERNATE ALLOCATION PROCEDURE.—If a State does not apply for a grant or does not submit an approvable application for a grant under this subtitle, the Secretary shall use the amounts made available under this subtitle to make grants directly to agencies and organizations in such State in accordance with the criteria set forth in section 753(b)(1).

Grants.
State and local governments.
42 USC 11463.

SEC. 753. PROGRAM REQUIREMENTS.

(a) APPLICATION.—In order to receive a grant under this subtitle, a State shall submit an application to the Secretary in such form and at such time as the Secretary may require. Such application shall describe the agencies, organizations, and activities that the State intends to support with the amounts received.

(b) ASSURANCES.—In order to receive a grant under this subtitle, a State shall ensure that—

(1)(A) it will award all of the amounts it receives to—

(i) community action agencies that are eligible to receive

amounts under section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A));

(ii) organizations serving migrant and seasonal farmworkers; and

(iii) any organization to which a State, that applied for and received a waiver from the Secretary under Public Law 98-139, made a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) for fiscal year 1984; and

(B) not less than 90 percent of the amounts received shall be awarded to such agencies and organizations that, as of January 1, 1987, are providing services to meet the critically urgent needs of homeless individuals;

(2) no amount received under this subtitle will be used to supplant other programs for homeless individuals administered by the State; and

(3) no amount received under this subtitle will be used to defray State administrative costs.

101 STAT. 533

(c) ELIGIBLE USE OF FUNDS.—Amounts awarded under this subtitle may be used only for the following purposes:

(1) Expansion of comprehensive services to homeless individuals to provide follow-up and long-term services to enable homeless individuals to make the transition out of poverty.

(2) Provision of assistance in obtaining social and maintenance services and income support services for homeless individuals.

(3) Promotion of private sector and other assistance to homeless individuals.

SEC. 754. AUTHORIZATION OF APPROPRIATIONS. 42 USC 11464.

There are authorized to be appropriated to carry out this subtitle $40,000,000 for each of the fiscal years 1987 and 1988.

Subtitle E—Miscellaneous Provisions

SEC. 761. STUDY OF YOUTH HOMELESSNESS. 42 USC 11471.

(a) AUTHORIZATION.—The Secretary of Health and Human Services may make demonstration grants to a qualified applicant for a special research project to study the underlying causes of youth homelessness. Grants.

(b) FUNDING.—The Secretary of Health and Human Services shall make available not to exceed $50,000 of the funds appropriated under section 426 of the Social Security Act for fiscal year 1987 for the purpose of making a grant under this section. 42 USC 626.

SEC. 762. SET-ASIDES FOR NATIVE AMERICANS. 42 USC 11472.

(a) IN GENERAL.—Not less than 1.5 percent of the funds provided under this title for each of the following programs shall be allocated to Indian tribes:

(1) The job training demonstration program established in section 731.

(2) The emergency community services homeless grant program established in section 751.

(b) DEFINITION.—For purposes of this section, the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that is recognized by the Federal Government as eligible for special programs and services provided to Indians because of their status as Indians. 43 USC 1601 note.

TITLE VIII—FOOD ASSISTANCE FOR THE HOMELESS

Subtitle A—Food Stamp Program

SEC. 801. DEFINITION OF HOMELESS INDIVIDUAL.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(s) 'Homeless individual' means—

"(1) an individual who lacks a fixed and regular nighttime residence; or

101 STAT. 534

"(2) an individual who has a primary nighttime residence that is—

"(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(B) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(C) a temporary accommodation in the residence of another individual; or

"(D) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.".

SEC. 802. DEFINITION OF HOUSEHOLD.

(a) REVISION OF DEFINITION.—The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)";

(2) by inserting before the semicolon the following: ", or (3) a parent of minor children and that parent's children (notwithstanding the presence in the home of any other persons, including parents and siblings of the parent with minor children) who customarily purchase food and prepare meals for home consumption separate from other persons, except that the certification of a household as a separate household under this clause shall be reexamined no less frequently than once every 6 months"; and

(3) by inserting "(other than as provided in clause (3))" after "except that".

7 USC 2012 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1987.

SEC. 803. ANNUAL ADJUSTMENT OF INCOME ELIGIBILITY STANDARDS.

(a) DATE OF ANNUAL ADJUSTMENT.—Section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended by inserting "shall be adjusted each October 1 and" after "eligibility" the first place it appears.

7 USC 2014 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on July 1, 1988.

SEC. 804. ANNUAL ADJUSTMENTS TO THE STANDARD DEDUCTION.

(a) REVISION OF DEDUCTION.—The second sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking out "and (3)" and inserting in lieu thereof "(3)";

(2) by striking out "each October 1 thereafter" in clause (3) and inserting in lieu thereof "October 1, 1986"; and

(3) by inserting before the period at the end thereof the following: ", and (4) on October 1, 1987, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the twelve months ending the preceding June 30".

7 USC 2014 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1987.

SEC. 805. INELIGIBILITY FOR EARNED INCOME DEDUCTION.

(a) INELIGIBILITY FOR THE DEDUCTION.—The third sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by inserting before the period at the end the following: ", except that such additional deduction shall not be allowed with respect to earned income that a household willfully or fraudulently fails (as proven in a proceeding provided for in section 6(b)) to report in a timely manner". 101 STAT. 535

7 USC 2015.

(b) EFFECTIVE DATE AND APPLICATION.— 7 USC 2014 note.

(1) The amendment made by this section shall become effective and shall be implemented 45 days after the date of enactment of this Act.

(2) The amendment made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 to any household for any month beginning before the effective date of the amendment.

SEC. 806. EXCESS SHELTER EXPENSE.

(a) REVISION OF DEDUCTION.—The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking out "That the amount of such" and all that follows through the end of the sentence and inserting in lieu thereof the following: "That the amount of such excess shelter expense deduction shall not exceed $164 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States $285, $234, $199, and $121 a month, respectively, adjusted on October 1, 1988, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the twelve months ending the preceding June 30.". District of Columbia. Alaska. Hawaii. Guam. Virgin Islands.

(b) EFFECTIVE DATE AND APPLICATION.— 7 USC 2014 note.

(1) The amendment made by this section shall become effective on October 1, 1987.

(2) The amendment made by this section shall not apply with respect to an allotment issued under the Food Stamp Act of 1977 to a household for a certification period beginning before October 1, 1987. 7 USC 2011 note.

SEC. 807. THIRD PARTY PAYMENTS FOR CERTAIN HOUSING.

(a) EXCLUSION FROM INCOME.—Section 5(k)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)) is amended—

(1) in subparagraph (D), by striking out "or" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) housing assistance payments made to a third party on behalf of a household residing in temporary housing if the temporary housing unit provided for the household as a result of such assistance payments lacks facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption; or".

(b) EFFECTIVE DATES AND APPLICATION.— 7 USC 2014 note.

(1) The amendments made by this section shall be effective and shall be implemented for the period beginning 90 days after the date of enactment of this Act and ending September 30, 1989. 101 STAT. 536

(2) The amendments made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 to any household for any month beginning before the effective period of this section begins. 7 USC 2011 note.

SEC. 808. FOOD STAMP INFORMATION FOR THE HOMELESS.

(a) AUTHORITY TO PROVIDE INFORMATION.—Section 11(e)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting "except, at the option of the State agency, food stamp informational activities directed at homeless individuals" after "Act".

(b) ADMINISTRATIVE EXPENSES.—The first sentence of section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking out "and (4)" and inserting in lieu thereof "(4) food stamp informational activities permitted under section 11(e)(1)(A), and (5)".

SEC. 809. EXPEDITED FOOD STAMP SERVICE.

(a) ELIGIBILITY.—Section 11(e)(9) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended—

(1) by striking out "and" after the semicolon at the end of clause (ii) of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following new subparagraphs:

"(B) provide coupons no later than five days after the date of application to any household in which all members are homeless individuals and that meets the income and resource criteria for coupons under this Act;

"(C) provide coupons no later than five days after the date of application to any household that has a combined gross income and liquid resources that is less than the monthly rent, or mortgage, and utilities of the household; and"; and

(4) in subparagraph (D) (as redesignated), by striking out "the household" and inserting in lieu thereof "a household referred to in subparagraph (A), (B), or (C)".

7 USC 2020 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective and be implemented as soon as the Secretary of Agriculture determines is practicable after the date of enactment of this Act, but not later than 160 days after the date of enactment of this Act.

Subtitle B—Temporary Emergency Food Assistance Program (TEFAP)

SEC. 811. VARIETY OF COMMODITIES UNDER TEFAP.

(a) COMMODITIES FOR ELIGIBLE RECIPIENT AGENCIES.—Section 202(d) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after "shall include" the following: "a variety of commodities and products thereof that are most useful to eligible recipient agencies, including".

(b) TECHNICAL AMENDMENT.—Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting the subsection designation "(a)" after "SEC. 202.".

101 STAT. 537

SEC. 812. DISTRIBUTION OF SURPLUS FLOUR, CORNMEAL, AND CHEESE.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202 the following new section:

"AVAILABILITY OF CCC FLOUR, CORNMEAL, AND CHEESE

"SEC. 202A. Notwithstanding any other provision of law—

"(a)(1) To the extent provided in advance in an appropriation Act, in fiscal year 1988, flour, cornmeal, and cheese acquired by the Commodity Credit Corporation that are in excess of quantities needed to—

"(A) carry out other domestic donation programs,

"(B) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(C) meet international market development and food aid commitments, and

"(D) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and Commodity Credit Corporation Charter Act,

7 USC 1281.
7 USC 1421 note.
15 USC 714.

shall be made available as provided in paragraph (2).

"(2) The Secretary shall make such excess flour, cornmeal, and cheese available in any State, in addition to the normal allotment of such commodities (adjusted by any reallocation) for fiscal year 1988 under this Act, at the request of the chief executive officer of such State who certifies to the Secretary that—

State and local governments.

"(A)(i) individuals in such State who are eligible to receive flour, cornmeal, and cheese under this Act are not receiving such commodities distributed under other provisions of this Act, or

"(ii) the number of unemployed individuals in such State has increased during the most recent 90-day period for which unemployment statistics are available prior to the date the certification is made, and

"(B) the distribution of flour, cornmeal, and cheese under this section in such State will not substantially displace the commercial sale of such commodities in such State.

"(b) Flour, cornmeal, and cheese made available under this section by the Secretary shall be made available without charge or credit in fiscal year 1988, in a usable form, for use by eligible recipient agencies in a State.

"(c) The amount of cheese made available under this section in fiscal year 1988 shall not exceed 14,000,000 pounds.

"(d) Whenever the Secretary receives a request submitted under subsection (a)(2), the Secretary shall immediately notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that such request was received.".

SEC. 813. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS UNDER TEFAP.

The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "and September 30, 1987" and inserting in lieu thereof "through September 30, 1988".

101 STAT. 538

SEC. 814. CONTINUATION OF TEFAP.

(a) IN GENERAL.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "1987" and inserting in lieu thereof "1988".

(b) CONFORMING AMENDMENT.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended—

(1) by striking out "beginning October 1, 1983, and ending September 30, 1987" and inserting in lieu thereof "ending on the date specified in section 212"; and

(2) by striking out "fiscal year ending September 30, 1987" and inserting in lieu thereof "fiscal year ending September 30, 1988".

TITLE IX—VETERANS' PROVISIONS

SEC. 901. EXTENSION OF VETERANS' JOB TRAINING ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 16 of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(1) by striking out "$65,000,000 for fiscal year 1986" and inserting in lieu thereof "a total of $65,000,000 for fiscal years 1986, 1987, and 1988"; and

(2) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1989".

29 USC 1721 note.

(b) EXTENSION OF TERMINATION DATES.—Section 17(a) of such Act is amended—

(1) by striking out "January 31, 1987" in clause (1) and inserting in lieu thereof "December 31, 1987"; and

(2) by striking out "July 31, 1987" in clause (2) and inserting in lieu thereof "June 30, 1988".

Approved July 22, 1987.

LEGISLATIVE HISTORY—H.R. 558 (H.R. 177) (S. 728) (S. 809) (S. 810) (S. 811) (S. 813):

HOUSE REPORT: No. 100-8 accompanying H.R. 177, (Comm. on Agriculture), No. 100-10, Pt. I (Comm. on Banking, Finance and Urban Affairs), No. 100-10, Pt. II (Comm. on Energy and Commerce), and No. 100-174 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Mar. 5, considered and passed House.
Apr. 8, 9, considered and passed Senate, amended.
May 8, House disagreed to Senate amendment.
June 27, Senate agreed to conference report.
June 30, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

July 22, Presidential statement.

101 STAT. 793

Public Law 100-122
100th Congress

Joint Resolution

Sept. 30, 1987
[S.J. Res. 191]

To provide for the extension of certain programs relating to housing and community development, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

12 USC 1721 note.

SECTION 1. CONTINUATION OF PRIOR EXTENSIONS.

100 Stat. 986.

Each provision of law amended by Public Law 99-430 is amended by striking out "September 30, 1987" wherever it appears and inserting in lieu thereof "October 31, 1987".

SEC. 2. ADDITIONAL EXTENSIONS.

12 USC 3603.

(a) SOLAR BANK.—The last sentence of section 505(a) of the Solar Energy and Energy Conservation Bank Act is amended by striking out "September 30, 1987" and inserting in lieu thereof "October 31, 1987".

(b) AUTHORITY TO PURCHASE SECOND MORTGAGES.—

12 USC 1717.

(1) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—Section 302(b)(5)(A)(i) of the Federal National Mortgage Association Charter Act is amended by striking out "until October 1, 1987" and inserting in lieu thereof "through October 31, 1987".

12 USC 1454.

(2) FEDERAL HOME LOAN MORTGAGE CORPORATION.—Section 305(a)(4)(A)(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "until October 1, 1987" and inserting in lieu thereof "through October 31, 1987".

12 USC 1735f-9.

(c) LIMITATION ON AMOUNT TO BE INSURED UNDER NATIONAL HOUSING ACT.—Section 531 of the National Housing Act is amended by striking out "for fiscal year 1986" and inserting in lieu thereof "for any fiscal year".

(d) PREPAYMENT MORATORIUM.—The second paragraph under the heading "FARMERS HOME ADMINISTRATION" in chapter X of title I of Public Law 100-71 is amended by striking out "September 30, 1987" and inserting in lieu thereof "October 31, 1987". *Ante*, p. 428.

Approved September 30, 1987.

LEGISLATIVE HISTORY—S.J. Res. 191:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Sept. 25, considered and passed Senate.
Sept. 29, considered and passed House.

Public Law 100-154
100th Congress

101 STAT. 890

Joint Resolution

To provide for the extension of certain programs relating to housing and community development, and for other purposes.

Nov. 5, 1987
[S.J. Res. 209]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each provision of law amended by Public Law 100-122, including those provisions amended by section 2 of such Public Law, is amended by striking out "October 31, 1987" wherever it appears and inserting in lieu thereof "November 15, 1987". *Ante*, p. 793.

Approved November 5, 1987.

LEGISLATIVE HISTORY—S.J. Res. 209:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Oct. 30, considered and passed Senate.
Nov. 3, considered and passed House.

Public Law 100-170
100th Congress

101 STAT. 914

Joint Resolution

To provide for the extension of certain programs relating to housing and community development, and for other purposes.

Nov. 17, 1987
[S.J. Res. 220]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each provision of law amended by Public Law 100-154 is amended by striking "November 15, 1987" and inserting "December 2, 1987". *Ante*, p. 890.

Approved November 17, 1987.

LEGISLATIVE HISTORY—S.J. Res. 220:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Nov. 13, considered and passed Senate.
Nov. 16, considered and passed House.

101 STAT. 1018 Public Law 100-179
100th Congress

Joint Resolution

Dec. 3, 1987
[H.J. Res. 404]

To provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each provision of law amended by Public Law 100-170 is amended by striking "December 2, 1987" each place it appears and inserting "December 16, 1987".

Ante, p. 914

Approved December 3, 1987.

LEGISLATIVE HISTORY—H.J. Res. 404:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Nov. 20, considered and passed House.
Dec. 2, considered and passed Senate.

101 STAT. 1327 Public Law 100-200
100th Congress

Joint Resolution

Dec. 21, 1987
[H.J. Res. 427]

To provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each provision of law amended by Public Law 100-179 is amended by striking "December 16, 1987" each place it appears and inserting "March 15, 1988".

Ante, p. 1018

Approved December 21, 1987.

LEGISLATIVE HISTORY—H.J. Res. 427:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Dec. 16, considered and passed House.
Dec. 17, considered and passed Senate.

101 STAT. 1815 Public Law 100-242
100th Congress

An Act

Feb. 5, 1988
[S. 825]

To amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Housing and Community Development Act of 1987.
42 USC 5301 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Housing and Community Development Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Budget compliance.

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Sec. 121. Public housing demolition and disposition.
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PART 3—SECTION 8 ASSISTANCE AND OTHER PROGRAMS

Sec. 141. Section 8 contracts for existing dwelling units.
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Sec. 145. Portability of section 8 certificates and vouchers.
Sec. 146. Prohibition of denial of section 8 certificates and vouchers to residents of public housing.
Sec. 147. Nondiscrimination against section 8 certificate holders and voucher holders.
Sec. 148. Project-based section 8 assistance.
Sec. 149. Section 8 assistance for residents of rental rehabilitation projects. 101 STAT. 1816
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Sec. 162. Housing for the handicapped.
Sec. 163. Congregate services.
Sec. 164. Modification of restriction on use of assisted housing by aliens.
Sec. 165. Preventing fraud and abuse in Department of Housing and Urban Development programs.
Sec. 166. Annual report on characteristics of families in assisted housing.
Sec. 167. Section 236 rental housing program.
Sec. 168. Tenant eligibility determinations in rent supplement projects.
Sec. 169. Counseling to tenants and homeowners.
Sec. 170. Housing assistance technical amendments.

Subtitle C—Multifamily Housing Management and Preservation

Sec. 181. Management and preservation of HUD-owned multifamily housing projects.
Sec. 182. Acquisition of insured multifamily housing projects.
Sec. 183. Tenant participation in multifamily housing projects.
Sec. 184. Multifamily housing disposition partnership.
Sec. 185. Multifamily housing capital improvements assistance.
Sec. 186. Flexible subsidy program.

TITLE II—PRESERVATION OF LOW INCOME HOUSING

Subtitle A—General Provisions

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Termination of certain provisions.

Subtitle B—Prepayment of Mortgages Insured Under National Housing Act

Sec. 221. General prepayment limitation.
Sec. 222. Notice of intent.
Sec. 223. Plan of action.

Sec. 224. Incentives to extend low income use.
Sec. 225. Criteria for approval of plan of action.
Sec. 226. Alternative State strategy.
Sec. 227. Timetable for approval of plan of action.
Sec. 228. Modification of existing regulatory agreements.
Sec. 229. Consultations with other interested parties.
Sec. 230. Right of conversion to alternative prepayment system.
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Sec. 405. Change in definition of veteran.
Sec. 406. Limitation on use of single family mortgage insurance by investors.
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Sec. 408. Insurance of graduated payment mortgages.
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Subtitle B—Secondary Mortgage Market Programs

Sec. 441. Limitations on certain secondary mortgage market fees.
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Sec. 507. Housing assistance plans.
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Sec. 514. Community development block grant loan guarantees.
Sec. 515. Urban development action grant selection criteria.
Sec. 516. Prohibition on use of urban development action grants for business relocations.
Sec. 517. Urban homesteading.
Sec. 518. Rehabilitation loans.
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Sec. 561. Fair housing initiatives program.
Sec. 562. Collection of certain data.
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Sec. 568. Manufactured housing construction and safety standards.
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101 STAT. 1819

42 USC 5301 note.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) for the past 50 years, the Federal Government has taken the leading role in enabling the people of the Nation to be the best housed in the world, and recent reductions in Federal assistance have contributed to a deepening housing crisis for low- and moderate-income families;

(2) the efforts of the Federal Government have included a system of specialized lending institutions, favorable tax policies, construction assistance, mortgage insurance, loan guarantees, secondary markets, and interest and rental subsidies, that have enabled people to rent or buy affordable, decent, safe, and sanitary housing; and

(3) the tragedy of homelessness in urban and suburban communities across the Nation, involving a record number of people, dramatically demonstrates the lack of affordable residential shelter, and people living on the economic margins of our society (lower income families, the elderly, the working poor, and the deinstitutionalized) have few available alternatives for shelter.

(b) PURPOSE.—The purpose of this Act, therefore, is—

(1) to reaffirm the principle that decent and affordable shelter is a basic necessity, and the general welfare of the Nation and the health and living standards of its people require the addition of new housing units to remedy a serious shortage of housing units for all Americans, particularly for persons of low and moderate income;

(2) to make the distribution of direct and indirect housing assistance more equitable by providing Federal assistance for the less affluent people of the Nation;

(3) to provide needed housing assistance for homeless people and for persons of low and moderate income who lack affordable, decent, safe, and sanitary housing; and

(4) to reform existing programs to ensure that such assistance is delivered in the most efficient manner possible.

42 USC 5301 note.

SEC. 3. BUDGET COMPLIANCE.

(a) IN GENERAL.—This Act and the amendments made by this Act may not be construed to provide for new budget authority, budget outlays, or new entitlement authority, for fiscal year 1988 in excess of the appropriate aggregate levels established by the concurrent resolution on the budget for such fiscal year for the programs authorized by this Act and the amendments made by this Act.

(b) DEFINITIONS.—For purposes of this section, the terms "budget authority", "budget outlays", "concurrent resolution on the budget", and "entitlement authority" have the meanings given such terms in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622).

42 USC 5301 note.

SEC. 4. CREDIT LIMITATION.

Any new credit authority (as defined in section 3 of the Congressional Budget Act of 1974) which is provided by this Act, or by an amendment made by this Act, shall be effective only to such extent or in such amounts as are provided in appropriation Acts.

SEC. 5. LIMITATION ON SPENDING AUTHORITY.

42 USC 5301 note.

Any new spending authority (as defined in section 401(c) of the Congressional Budget Act of 1974) which is provided by this Act, or by an amendment made by this Act, shall be effective only to such extent or in such amounts as are provided in appropriation Acts.

101 STAT. 1820

TITLE I—HOUSING ASSISTANCE

Subtitle A—Programs Under United States Housing Act of 1937

PART 1—GENERAL PROVISIONS

SEC. 101. LOWER INCOME HOUSING AUTHORIZATION.

(a) AGGREGATE BUDGET AUTHORITY.—Section 5(c)(6) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "The aggregate amount of budget authority that may be obligated for contracts for annual contributions for assistance under section 8, for contracts referred to in paragraphs (7)(A)(iv) and (7)(B)(iv), for grants for public housing, for comprehensive improvement assistance, and for amendments to existing contracts, is increased (to the extent approved in appropriation Acts) by $7,167,000,000 on October 1, 1987, and by $7,300,945,000 on October 1, 1988.".

42 USC 1437c.

(b) UTILIZATION OF BUDGET AUTHORITY.—Section 5(c)(7) of the United States Housing Act of 1937 is amended to read as follows:

"(7)(A) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1988, the Secretary shall, to the extent approved in appropriations Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), not more than $481,320,000, of which amount not more than $144,696,000 shall be available for Indian housing;

"(ii) for assistance under subsections (b)(1) and (o) of section 8, not more than $2,415,000,000;

"(iii) for assistance under section 8(e)(2), not more than $400,000,000;

"(iv) for assistance under section 8 in connection with projects developed under section 202 of the Housing Act of 1959, not more than $1,681,830,000;

"(v) for comprehensive improvement assistance grants under section 14, not more than $1,700,000,000;

"(vi) for assistance under section 8 for property disposition, not more than $301,700,000; and

"(vii) for assistance under section 8 for loan management, not more than $187,150,000.

"(B) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1989, the Secretary shall, to the extent approved in appropriations Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), not more than $490,465,000, of which amount not more than $147,445,000 shall be available for Indian housing;

101 STAT. 1821

"(ii) for assistance under subsections (b)(1) and (o) of section 8, not more than $2,458,660,000;

"(iii) for assistance under section 8(e)(2), not more than $407,600,000;

"(iv) for assistance under section 8 in connection with projects developed under section 202 of the Housing Act of 1959, not more than $1,713,785,000;

"(v) for comprehensive improvement assistance grants under section 14, not more than $1,732,300,000;

"(vi) for assistance under section 8 for property disposition, not more than $307,430,000; and

"(vii) for assistance under section 8 for loan management, not more than $190,705,000.

"(C)(i) Any amount available for the conversion of a project to assistance under section 8(b)(1), if not required for such purpose, shall be used for assistance under section 8(b)(1).

"(ii) Any amount available for assistance under section 8 for property disposition, if not required for such purpose, shall be used for assistance under section 8(b)(1).".

SEC. 102. TENANT RENTAL CONTRIBUTIONS.

42 USC 1437a.

(a) ECONOMIC RENT.—Section 3(a) of the United States Housing Act of 1937 is amended—

(1) by inserting "(1)" after "(a)";

(2) in the last sentence, by striking "A" and inserting the following: "Except as provided in paragraph (2), a";

(3) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively; and

(4) by adding at the end the following new paragraph:

"(2)(A) Any public housing agency may provide that each family residing in a public housing project owned and operated by such agency (or in lower income housing assisted under section 8 that contains more than 2,000 dwelling units) shall pay as monthly rent for not more than a 3-year period an amount determined by such agency to be appropriate that does not exceed a maximum amount that—

"(i) is established by such agency and approved by the Secretary;

"(ii) is not more than the amount payable as rent by such family under paragraph (1); and

"(iii) is not less than the average monthly amount of debt service and operating expenses attributable to dwelling units of similar size in public housing projects owned and operated by such agency.

Indians.

"(B) The 3-year limitation established in subparagraph (A) shall not apply to any family residing in a public housing project administered by an Indian public housing agency.".

Reports.

(b) UTILITY ALLOWANCE.—

(1) The Comptroller General of the United States shall submit to the Congress not later than October 30, 1988, a report regarding the utility allowances provided to the residents of public housing and housing assisted under section 8 of the United States Housing Act of 1937.

(2) The report shall include the following:

101 STAT. 1822

(A) A description of the manner in which public housing agencies are currently calculating utility allowances, including a national survey of the calculation methods used.

(B) An estimate of the number of residents of public housing and housing assisted under section 8 of the United States Housing Act of 1937 paying more than 30 percent of monthly adjusted income for rent and utilities, including a separate estimate for each meter category.

(C) Recommendations for revisions that may be made in current law to ensure that—

(i) utility allowances will not differ solely because of the metering system of the dwelling unit;

(ii) residents of public housing and housing assisted under section 8 of the United States Housing Act of 1937 will not pay more than 30 percent of monthly adjusted income for rent and utilities; and

Energy.

(iii) such residents will have a strong incentive to conserve energy and reduce utility costs, and resi-

dents who waste substantial amounts of energy will be penalized.

(D) A description of administratively feasible methods of ensuring that utility allowances will reflect differences in the size, location, and energy-conserving condition of different types of dwelling units and appliances.

(E) An estimate of the costs that will be associated with any recommendation made under subparagraph (C).

(3) In preparing the report under this subsection, the Comptroller General shall consult with the Secretary of Housing and Urban Development, other appropriate Federal officials, other knowledgeable individuals, and national and other organizations representing public housing agencies, local governments, tenants, and energy conservation interests.

SEC. 103. INCOME ELIGIBILITY FOR ASSISTED HOUSING.

(a) IMPLEMENTATION OF PERCENTAGE LIMITATIONS.—Section 16 of the United States Housing Act of 1937 is amended by adding at the end the following: 42 USC 1437n.

"(c) In developing admission procedures implementing subsection (b), the Secretary may not totally prohibit admission of lower income families other than very low-income families, and shall establish, as appropriate, differing percentage limitations on admission of lower income families in separate assisted housing programs that, when aggregated, will achieve the overall percentage limitation contained in subsection (b). The Secretary shall issue regulations to carry out this subsection not later than 60 days after the date of the enactment of the Housing and Community Development Act of 1987.". Regulations.

(b) EXEMPTIONS FROM PERCENTAGE LIMITATIONS.—Section 16 of the United States Housing Act of 1937 (as amended by subsection (a) of this section) is further amended by adding at the end the following new subsection:

"(d)(1) The limitations established in subsection (b) shall not apply to dwelling units made available under section 8 housing assistance contracts for the purpose of preventing displacement, or ameliorating the effects of displacement, including displacement caused by rents exceeding 30 percent of monthly adjusted family income, of lower income families from projects being rehabilitated with assistance from rehabilitation grants under section 17 and the Secretary shall not otherwise unduly restrict the use of payments under section 8 housing assistance contracts for this purpose. Contracts. Grants. 101 STAT. 1823

"(2) The limitations established in subsections (a) and (b) shall not apply to dwelling units assisted by Indian public housing agencies.". Indians.

PART 2—PUBLIC HOUSING

SEC. 111. DISCRETIONARY PREFERENCE FOR NEAR ELDERLY FAMILIES IN PUBLIC HOUSING PROJECTS DESIGNED FOR THE ELDERLY.

Section 3(b)(3) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "In determining priority for admission to public housing projects designed for elderly families, the public housing agency shall give preference to such families. When the public housing agency determines (in accordance with regulations of the Secretary) that there are insufficient numbers of elderly families to fill all the units in such a project, the agency may give preference to families in which the head of household (or spouse) is at least 50 years of age but below the age of 62 before those in which the head of household and spouse, if any, are below the age of 50.". 42 USC 1437a.

SEC. 112. GRANTS FOR PUBLIC HOUSING DEVELOPMENT.

(a) AUTHORITY TO PROVIDE GRANTS.—Section 5(a) of the United States Housing Act of 1937 is amended to read as follows: 42 USC 1437c.

"(a)(1) The Secretary may make annual contributions to public housing agencies to assist in achieving and maintaining the lower income character of their projects. The Secretary shall embody the Contracts.

provisions for such annual contributions in a contract guaranteeing their payment. The contribution payable annually under this section shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the public housing agency to finance the development or acquisition cost of the lower income project involved. Annual contributions payable under this section shall be pledged, if the Secretary so requires, as security for obligations issued by a public housing agency to assist the development or acquisition of the project to which annual contributions relate and shall be paid over a period not to exceed 40 years.

Grants.

"(2) The Secretary may make contributions (in the form of grants) to public housing agencies to cover the development cost of public housing projects. The contract under which such contributions shall be made shall specify the amount of capital contributions required for each project to which the contract pertains, and that the terms and conditions of such contract shall remain in effect for a 40-year period.

Contracts.

"(3) The amount of contributions that would be established for a newly constructed project by a public housing agency designed to accommodate a number of families of a given size and kind may be established under this section for a project by such public housing agency that would provide housing for the comparable number, sizes, and kinds of families through the acquisition and rehabilitation, or use under lease, of structures that are suitable for lower income housing use and obtained in the local market.".

(b) CONFORMING AMENDMENTS.—

(1) Section 5 of the United States Housing Act of 1937 is amended—

(A) by striking "ANNUAL" in the section heading; and

101 STAT. 1824

(B) by striking "annual" in subsection (e)(2).

42 USC 1437d.

(2) Section 6 of the United States Housing Act of 1937 is amended by striking "annual" the first place it appears in the first sentence of subsection (g), and each place it appears in subsection (d) and the first sentence of each of subsections (a) and (c).

42 USC 1437e.

(3) Section 7 of the United States Housing Act of 1937 is amended by striking "annual" in the proviso in the first sentence.

42 USC 1437g.

(4) Section 9(a)(2) of the United States Housing Act of 1937 is amended—

(A) by striking "being assisted by an annual contributions contract authorized by section 5(c)" and inserting the following: "one developed pursuant to a contributions contract authorized by section 5"; and

(B) by striking "any such annual" and inserting "any such".

42 USC 1437j.

(5) Section 12 of the United States Housing Act of 1937 is amended by striking "annual".

42 USC 1437*l*.

(6) Section 14 of the United States Housing Act of 1937 is amended—

(A) by striking "receive assistance under section 5(c)" in subsection (c)(2) and inserting "assisted under section 5"; and

(B) by striking "annual" in each of paragraphs (2) and (4)(C) of subsection (d).

42 USC 1437m.

(7) Section 15 of the United States Housing Act of 1937 is amended by striking "with loans or debt service annual contributions" in clause (2).

42 USC 1437n.

(8) Section 16(b) of the United States Housing Act of 1937 is amended by striking "annual".

42 USC 1437p.

(9) Section 18(c) of the United States Housing Act of 1937 is amended by striking "annual contributions authorized under section 5(c)" and inserting "contributions authorized under section 5".

SEC. 113. LIMITATION ON PUBLIC HOUSING DEVELOPMENT AND ASSURANCE OF PUBLIC HOUSING QUALITY STANDARDS.

Section 5 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection: 42 USC 1437c.

"(j)(1) After September 30, 1987, in providing assistance under this Act to a public housing agency for public housing (other than for Indian families), the Secretary shall reserve funds for the development of public housing only if—

"(A) the Secretary determines that additional amounts are required to complete the development of dwelling units for which amounts are obligated on or before such date;

"(B) the public housing agency certifies to the Secretary that 85 percent of the public housing dwelling units of the public housing agency—

"(i) are maintained in substantial compliance with the housing quality standards established by the Secretary under section 8(o)(6);

"(ii) will be so maintained upon completion of modernization for which funding has been awarded; or

"(iii) will be so maintained upon completion of moderniza tion for which applications are pending that have been submitted in good faith under section 14 (or a comparable State or local government program) and that there is a reasonable expectation, as determined by the Secretary in writing, that the applications would be approved; 101 STAT. 1825

"(C) the public housing agency certifies that such development—

"(i) will replace dwelling units that are disposed of or demolished by the public housing agency, including dwelling units disposed of or lost through sale to tenants or through units redesign; or

"(ii) is required to comply with court orders or directions of the Secretary;

"(D) the public housing agency certifies that it has demands for family housing not satisfied by the rental assistance programs established in subsection (b) or (o) of section 8 for which it plans to construct or acquire projects of not more than 100 units; or

"(E) the Secretary makes such reservation under paragraph (2).

"(2) Notwithstanding any other provision of law, not more than 20 percent of the funds appropriated for development of public housing also may be committed by the Secretary for the substantial redesign, reconstruction, or redevelopment of existing public housing projects or units, which work shall be carried out pursuant to the rules and regulations applicable to the development of public housing.".

SEC. 114. LIMITATION ON RECAPTURE OF FUNDING RESERVATIONS.

Section 5 of the United States Housing Act of 1937 (as amended by section 113 of this Act) is further amended by adding at the end the following new subsection:

"(k) After the reservation of public housing development funds to a public housing agency, the Secretary may not recapture any of the amounts included in such reservation due to the failure of a public housing agency to begin construction or rehabilitation, or to complete acquisition, during the 30-month period following the date of such reservation. During such 30-month period, the public housing agency shall be permitted to change the site of the public housing project or reformulate the project, if not less than the original number of dwelling units are to be constructed, rehabilitated, or acquired. There shall be excluded from the computation of such 30-month period any delay in the beginning of construction or rehabilitation of such project caused by (1) the failure of the Secretary to process such project within a reasonable period of time; (2) any environmental review requirement; (3) any legal action affecting such project; or (4) any other factor beyond the control of the public housing agency.".

SEC. 115. INDIAN PUBLIC HOUSING.

Section 5 of the United States Housing Act of 1937 (as amended by section 114 of this Act) is further amended by adding at the end the following new subsection:

"(l) The Secretary may not use as a criterion for distributing assistance under this section the progress made by an Indian public housing agency in collecting rents owed by tenants unless—

Regulations.

"(1) such criterion is used as 1 of several criteria that are weighted proportionally and is established by regulations issued after public notice and opportunity to comment in accordance with section 553 of title 5, United States Code; or

101 STAT. 1826

"(2) the Secretary determines that the Indian public housing agency has demonstrated a pattern of substantial noncompliance with requirements governing the collection of rents.".

SEC. 116. LOCATION OF ACQUIRED HOUSING.

42 USC 1437d.

Section 6(h) of the United States Housing Act of 1937 is amended—

(1) by inserting before "is" the following: "in the neighborhood where the public housing agency determines the housing is needed"; and

(2) by inserting "in such neighborhood" after "rehabilitation".

SEC. 117. PUBLIC HOUSING CHILD CARE GRANTS.

Section 222 of the Housing and Urban-Rural Recovery Act of 1983 is amended to read as follows:

12 USC 1701z-6 note.

"PUBLIC HOUSING CHILD CARE DEMONSTRATION PROGRAM

"SEC. 222. (a) PROGRAM AUTHORITY.—

"(1) The Secretary of Housing and Urban Development shall, to the extent approved in appropriation Acts, carry out a demonstration program of making grants to nonprofit organizations to assist such organizations in providing child care services in lower income housing projects for lower income families who reside in public housing.

"(2) The Secretary shall design the program described in paragraph (1) to determine the extent to which the availability of child care services in lower income housing projects facilitates the employability of the parents or guardians of children residing in public housing.

"(b) ELIGIBILITY FOR ASSISTANCE.—The Secretary may make a grant to a nonprofit organization for child care services in a lower income housing project only if—

"(1) prior to receipt of assistance under this section, a child care services program is not in operation in the project;

"(2) the public housing agency agrees to provide suitable facilities for the provision of child care services;

"(3) the child care services program in the project will serve preschool children during the day, school children after school, or both, in order to permit the parents or guardians of such children to obtain, retain, or train for employment;

"(4) the child care services program in the project is designed, to the extent practicable, to involve the participation of the parents of children benefiting from such program;

Aged persons.

"(5) the child care services program in the project is designed, to the extent practicable, to employ in part-time positions elderly individuals who reside in the lower income housing project involved; and

"(6) the child care services program in the project complies with all applicable State and local laws, regulations, and ordinances.

"(c) ALLOCATION OF ASSISTANCE.—In providing grants under this section, the Secretary shall—

"(1) give priority to nonprofit organizations providing child care services in lower income housing projects in which reside the largest number of preschool and school children of lower income families;

101 STAT. 1827

"(2) seek to ensure a reasonable distribution of such grants between urban and rural areas and among nonprofit organizations providing child care services in lower income housing projects of varying sizes; and

"(3) seek to provide such grants to the largest number of nonprofit organizations practicable, considering the amount of funds available under this section and the financial requirements of the particular child care services programs to be established in the lower income housing projects for which applications are submitted under this section.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) Applications for grants under this section shall be made by nonprofit organizations (in consultation with public housing agencies) in such form, and according to such procedures, as the Secretary may prescribe.

"(2) Any nonprofit organization receiving a grant under this section may use such grant only for operating expenses and minor renovations of facilities necessary to the provision of child care services under this section.

"(3) The Secretary shall conduct periodic evaluations of each child care services program assisted under this section for purposes of—

"(A) determining the effectiveness of such program in providing child care services and permitting the parents or guardians of children residing in public housing to obtain, retain, or train for employment; and

"(B) ensuring compliance with the provisions of this section.

"(4) No provision of this section may be construed to authorize the Secretary to establish any health, safety, educational, or other standards with respect to child care services or facilities assisted with grants received under this section. Such services and facilities shall comply with all applicable State and local laws, regulations, and ordinances, and all requirements established by the Secretary of Health and Human Services for child care services and facilities.

"(e) REPORT TO CONGRESS.—Not later than the expiration of the 3-year period following the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall prepare and submit to the Congress a detailed report setting forth the findings and conclusions of the Secretary as a result of carrying out the demonstration program established in this section. Such report shall include any recommendations of the Secretary with respect to the establishment of a permanent program of assisting child care services in lower income housing projects.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'lower income families' has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

"(2) The terms 'lower income housing project' and 'public housing' have the meanings given such terms in section 3(b)(1) of the United States Housing Act of 1937.

"(3) The term 'public housing agency' has the meaning given such term in section 3(b)(6) of the United States Housing Act of 1937.

"(4) The term 'Secretary' means the Secretary of Housing and Urban Development.

101 STAT. 1828

"(g) AUTHORIZATION OF APPROPRIATIONS.—Of the total amount approved in appropriation Acts under section 103 of the Housing and Community Development Act of 1974, there shall be set aside to carry out this section $5,000,000 for fiscal year 1988 and $5,210,000 for fiscal year 1989.".

SEC. 118. PAYMENTS FOR OPERATION OF LOWER INCOME HOUSING PROJECTS.

42 USC 1437g

(a) PERFORMANCE FUNDING SYSTEM.—Section 9(a) of the United States Housing Act of 1937 is amended—

(1) by striking the last sentence of paragraph (1); and

(2) by adding at the end the following new paragraph:

"(3)(A) For purposes of making payments under this section, the Secretary shall utilize a performance funding system that is substantially based on the system defined in regulations and in effect on the date of the enactment of the Housing and Community Development Act of 1987 (as modified by this paragraph), and that establishes standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and the characteristics of the families served, in accordance with a formula representing the operations of a prototype well-managed project. Such performance funding system shall be established in consultation with public housing agencies and their associations, be contained in a regulation promulgated by the Secretary prior to the start of any fiscal year to which it applies, and remain in effect for the duration of such fiscal year without change.

Insurance

Notwithstanding the preceding sentences, the Secretary shall revise the performance funding system by June 15, 1988, to accurately reflect the increase in insurance costs incurred by public housing agencies.

"(B) Under the performance funding system established under this paragraph—

"(i) in the first year that the reductions occur, any public housing agency shall share equally with the Secretary any cost reductions due to the differences between projected and actual utility rates attributable to actions taken by the agency which lead to such reductions;

Contracts
Energy
Utilities

"(ii) in the case of any public housing agency that receives financing (from a person other than the Secretary) or enters into a performance contract to undertake energy conservation improvements in a public housing project, under which payment does not exceed the cost of the energy saved as a result of the improvements during a negotiated contract period of not more than 12 years that is approved by the Secretary—

"(I) the public housing agency shall retain 100 percent of any cost avoidance due to differences between projected and actual utility consumption (adjusted for heating degree days) attributable to the improvements, until the term of the financing agreement is completed, at which time the annual utility expense level 3-year rolling base procedures shall be applied using—

"(a) in the first year following the end of the contract period, the energy use during the 2 years prior to installation of the energy conservation improvements and the last contract year;

"(b) in the second year following the end of the contract period, the energy use during the 1 year prior to installation of the energy conservation improvements and the 2 years following the end of the contract period; and

101 STAT. 1829

"(c) in the third year following the end of the contract period, the energy use in the 3 years following the end of the contract period; or

"(II) the Secretary shall provide an additional operating subsidy above the current allowable utility expense level equivalent to the cost of the energy saved as a result of the improvements and sufficient to cover payments for the improvements through the term of the contract or agreement;

"(iii) there shall be a formal review process for the purpose of providing such revisions (either increases or reductions) to the allowable expense level of a public housing agency as necessary—

"(I) to correct inequities and abnormalities that exist in the base year expense level of such public housing agency;

"(II) to accurately reflect changes in operating circumstances since the initial determination of such base year expense level; and

"(III) to ensure that the allowable expense limit accurately reflects the higher cost of operating the project in an economically distressed unit of local government and the lower cost of operating the project in an economically prosperous unit of local government; and

"(iv) if a public housing agency redesigns or substantially rehabilitates a public housing project so that 2 or more dwelling units are combined to create a single larger dwelling unit, the payments received under this section shall not be reduced solely because of the resulting reduction in the number of dwelling units if not less than the same number of individuals will reside in the new larger dwelling unit as resided in the dwelling units that were combined to form such larger dwelling unit.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 9(c) of the United States Housing Act of 1937 is amended to read as follows: 42 USC 1437g.

"(c) There are authorized to be appropriated for purposes of providing annual contributions under this section $1,500,000,000 for fiscal year 1988 and $1,530,000,000 for fiscal year 1989.".

(c) TIME OF PAYMENT.—Section 9 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(e) In the case of any public housing agency that submits its budget for any fiscal year of such agency to the Secretary in a timely manner in accordance with the regulations issued by the Secretary under this section, assistance to be provided to such agency under this section for such fiscal year shall commence not later than the 1st month of such fiscal year, and shall be paid in accordance with such payment schedule as may be agreed upon by the Secretary and such agency.".

(d) USE OF OPERATING SUBSIDIES TO REMEDY PHA NONCOMPLIANCE WITH AUDIT RESPONSIBILITIES.—Section 9(a)(1) of the United States Housing Act of 1937 is amended by adding at the end the following new sentences: "If the Secretary determines that a public housing agency has failed to take the actions required to submit an acceptable audit on a timely basis in accordance with chapter 75 of title 31, United States Code, the Secretary may arrange for, and pay the costs of, the audit. In such circumstances, the Secretary may withhold, from assistance otherwise payable to the agency under this section, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit, including, when appropriate, the reasonable costs of accounting services necessary to place the agency's books and records in auditable condition.". 101 STAT. 1830

SEC. 119. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM.

(a) PURPOSE OF AMENDMENTS.—It is the purpose of the amendments made by this section— 42 USC 1437l note.

(1) to provide assistance on a reliable and more predictable basis to public housing agencies in furtherance of their plans to enable them to operate, upgrade, modernize, and rehabilitate public housing projects financed under the United States Housing Act of 1937 to ensure their continued availability for the benefit of lower income families as decent, safe, and sanitary rental housing at affordable rents;

(2) to provide considerable discretion to public housing agencies to decide the specific improvements, the manner of their execution, and the timing of the expenditure of funds in the modernization of projects under section 14 of the United States Housing Act of 1937;

(3) to significantly simplify the program of Federal assistance for capital improvements in public housing projects;

(4) to provide increased opportunities and incentives for more efficient management of public housing projects; and

(5) to afford public housing agencies greater control in planning and expending funds under the United States Housing Act of 1937 for the modernization, rehabilitation, maintenance, and improvement of public housing projects to benefit lower income families.

(b) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—Section 14(b) of the United States Housing Act of 1937 is amended— 42 USC 1437l.

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary may make contributions (in the form of grants) to public housing agencies under this section. The contract under which the contributions shall be made shall specify that the terms and conditions of the contract shall remain in effect for a 20-year period for any project receiving the benefit of a grant under the contract.". Grants. Contracts.

(c) APPLICATIONS BY PHA's MANAGING LESS THAN 500 UNITS.—Section 14(d) of the United States Housing Act of 1937 is amended in the matter preceding paragraph (1) by inserting after "subsection (b)" the following: "to a public housing agency that owns or operates less than 500 public housing dwelling units".

(d) COMPREHENSIVE PLANS.—Section 14 of the United States Housing Act of 1937 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) No financial assistance may be made available under this section to a public housing agency that owns or operates 500 or more public housing dwelling units unless the Secretary approves (or has approved before the effective date of this subsection) a 5-year comprehensive plan submitted by the public housing agency, except that the Secretary may provide such assistance if it is necessary to correct conditions that constitute an immediate threat to the health or safety of tenants. The comprehensive plan shall contain— 101 STAT. 1831

"(A) a comprehensive assessment of—

"(i) the current physical condition of each public housing project owned or operated by the public housing agency;

"(ii) the physical improvements necessary for each such project to permit the project—

"(I) to be rehabilitated to a level at least equal to the modernization standards specified in the Modernization Handbook of the Department of Housing and Urban Development in effect on the date of the enactment of the Housing and Community Development Act of 1987, as well as the modernization standards established by the Secretary and in effect at the time of the preparation of the comprehensive plan; and

"(II) to comply with life-cycle cost-effective energy conservation performance standards established by the Secretary to reduce operating costs over the estimated life of the building; and Energy.

"(iii) the replacement needs of equipment systems and structural elements that will be required to be met (assuming routine and timely maintenance is performed) during the 5-year period covered by the comprehensive plan;

"(B) a comprehensive assessment of the improvements needed to upgrade the management and operation of the public housing agency and of each such project so that decent, safe, and sanitary living conditions will be provided such projects, which assessment shall include at least an identification of needs related to—

"(i) the management, financial, and accounting control systems of the public housing agency that are related to such projects;

"(ii) the adequacy and qualifications of personnel appropriate to be employed by the public housing agency (in the management and operation of such projects) for each significant category of employment; and

"(iii) the improvement of the efficacy of—

"(I) tenant programs and services in such projects;

"(II) the security of each such project and its tenants;

"(III) policies and procedures of the public housing agency for the selection and eviction of tenants in such projects; and

"(IV) other policies and procedures of the public housing agency relating to such projects, as specified by the Secretary;

"(C) an analysis, made on a project-by-project basis in accordance with standards and criteria prescribed by the Secretary, demonstrating that completion of the improvements and replacements identified under subparagraphs (A) and (B) will reasonably ensure the long-term physical and social viability of each such project at a reasonable cost;

"(D) an action plan for making the improvements and replacements identified under subparagraphs (A) and (B) that are determined under the analysis described in subparagraph (C) to reasonably ensure long-term viability of each such project at a reasonable cost, which action plan shall include at least a schedule, in order of priority established by the public housing agency, of the actions that are to be completed over a period of 5 years from the date of approval of the comprehensive plan by the Secretary (or any longer period reasonably needed to make the improvements and replacements, considering the scope of the improvements and replacements and the amount of funding provided) and that are necessary— 101 STAT. 1832

"(i) to make the improvements and replacements identified under subparagraph (A) for each project expected to receive capital improvements or replacements (with priority to improvements and replacements required to correct any life threatening condition); and

"(ii) to upgrade the management and operation of the public housing agency and its public housing projects as described in subparagraph (B);

"(E) a statement, to be signed by the chief local government official (or Indian tribal official, if appropriate), certifying that— State and local governments. Indians.

"(i) the comprehensive plan was developed by the public housing agency in consultation with appropriate local government officials (or Indian tribal officials) and with tenants of the housing projects (or tenants of the Indian housing projects) eligible for assistance under this section, which shall include at least one public hearing that shall be held prior to the initial adoption of any plan by the public housing agency for use of such assistance, and afford tenants and interested parties an opportunity to summarize their priorities and concerns, to ensure their due consideration in the planning process of the public housing agency; and

"(ii) the comprehensive plan is consistent with the assessment of the community of its lower income housing needs and that the unit of general local government (or Indian tribe) will cooperate in the provision of tenant programs and services (as defined in section 3(c)(2));

"(F) a statement, to be signed by the chief public housing official, certifying that the public housing agency will carry out the comprehensive plan in conformity with title VI of the Civil Rights Act of 1964, title VIII of the Act of April 11, 1968 (commonly known as the Civil Rights Act of 1968), and section 504 of the Rehabilitation Act of 1973;

"(G) a preliminary estimate of the total cost of the items identified in subparagraphs (A) and (B), including a preliminary estimate of the funds that will be required during each year covered by the comprehensive plan to accomplish the work pursuant to the action plan; and

"(H) such other information as the Secretary may require.

"(2)(A) The Secretary shall approve a comprehensive plan unless—

"(i) the comprehensive plan is incomplete in significant matters;

"(ii) on the basis of available significant facts and data pertaining to the physical and operational condition of the public housing projects of the public housing agency or the management and operations of the public housing agency, the Secretary determines that the identification by the public housing agency of needs is plainly inconsistent with such facts and data;

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"(iii) on the basis of the comprehensive plan, the Secretary determines that the action plan described in paragraph (1)(D) is plainly inappropriate to meeting the needs identified in the comprehensive plan, or that the public housing agency has failed to demonstrate that completion of improvements and replacements identified under subparagraphs (A) and (B) of paragraph (1) will reasonably ensure long-term viability of one or more public housing projects to which they relate at a reasonable cost; or

"(iv) there is evidence available to the Secretary that tends to challenge in a substantial manner any certification contained in the comprehensive plan.

"(B) The comprehensive plan shall be considered to be approved, unless the Secretary notifies the public housing agency in writing within 75 calendar days of submission that the Secretary has disapproved the comprehensive plan as submitted, indicating the reasons for disapproval and modifications required to make the comprehensive plan approvable.

"(3)(A) Each public housing agency that owns or operates 500 or more public housing dwelling units shall, after being advised by the Secretary of the estimated assistance it will receive under this section in any fiscal year, submit to the Secretary, at a date determined by the Secretary, an annual statement of the activities and expenditures projected to be undertaken, in whole or in part, by such assistance during the 12-month period immediately following the execution of the contract for such assistance. The Secretary, in establishing the funding for a public housing agency for any fiscal year, shall review the relative needs for restoring public housing shown by the approved comprehensive plans in the regional or area office of the Department of Housing and Urban Development for such agency. As long as the activities and expenditures are consistent with the approved plan, the public housing agency shall have total discretion in expending assistance for any activity or work set forth in the plan. The annual statement shall include a certification by the public housing agency that the proposed activities and expenditures are consistent with the approved comprehensive plan of the public housing agency. The annual statement also shall include a certification that the public housing agency has provided the tenants of the public housing affected by the planned activities the opportunity to review the annual statement and comment on it, and that such comments have been taken into account in formulating the annual statement as submitted to the Secretary.

"(B) A public housing agency may propose an amendment to its comprehensive plan under paragraph (1) in any annual statement. Any such proposed amendment shall be reviewed in accordance with paragraph (2), and shall include a certification that (i) the proposed amendment has been made publicly available for comment prior to its submission; (ii) affected tenants have been given suffi-

cient time to review and comment on it; and (iii) such comments have been taken into consideration in the preparation and submission of the amendment. A public housing agency shall have a right to amend its comprehensive plan and related statements to extend the time for performance whenever the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

101 STAT. 1834

"(C) The Secretary shall approve the annual statement and any amendment to it or the comprehensive plan unless the Secretary determines that the statement or amendment is plainly inconsistent with the activities specified in the comprehensive plan. The statement or amendment shall be considered to be approved, unless the Secretary notifies the public housing agency in writing before the expiration of the 75-day period following its submission that the Secretary has disapproved it as submitted, indicating the reasons for disapproval and the modifications required to make it approvable.

"(4)(A) Each public housing agency that owns or operates 500 or more public housing dwelling units shall submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this section. The report of the public housing agency shall include an assessment by the public housing agency of the relationship of such use of funds made available under this section, as well as the use of other funds, to the needs identified in the comprehensive plan of the public housing agency and to the purposes of this section. The public housing agency shall certify that the report has been made available for review and comment by affected tenants prior to its submission to the Secretary. Reports.

"(B) The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

"(i) has carried out its activities under this section in a timely manner and in accordance with its comprehensive plan;

"(ii) has a continuing capacity to carry out its comprehensive plan in a timely manner;

"(iii) has satisfied, or has made reasonable progress towards satisfying, such performance standards as shall be prescribed by the Secretary, and has made reasonable progress in carrying out modernization projects approved under this section.

"(C) Each public housing agency that owns or operates 500 or more public housing dwelling units and receives assistance under this section shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this section in order to make audit examinations, excerpts, and transcripts.

"(D) The comprehensive plan, any amendments to the comprehensive plan, and the annual statement shall, once approved by the Secretary, be binding upon the Secretary and the public housing agency. The Secretary may order corrective action only if the public housing agency does not comply with subparagraph (A) or (B) or if an audit under subparagraph (C) reveals findings that the Secretary reasonably believes require such corrective action. The Secretary may withhold funds under this section only if the public housing agency fails to take such corrective action after notice and a reasonable opportunity to do so. In administering this section, the Secretary shall, to the greatest extent possible, respect the professional judgment of the administrators of the public housing agency.".

(e) ELIGIBLE COSTS.—Section 14(f) of the United States Housing Act of 1937 (as so redesignated by this section) is amended— 42 USC 1437*l*.

(1) by inserting "(1)" after the subsection designation;

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(2) in the matter preceding paragraph (1), by inserting after "public housing agency" the following: "that owns or operates less than 500 public housing dwelling units";

(3) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), and

(4) by adding at the end the following new paragraph:

"(2) A public housing agency that owns or operates 500 or more public housing dwelling units may use financial assistance received under subsection (b) only—

"(A) to undertake activities described in its approved comprehensive plan under subsection (e)(1) or its annual statement under subsection (e)(3);

Health and medical care. Safety.

"(B) to correct conditions that constitute an immediate threat to the health or safety of tenants and to meet special purpose needs described in section 14(i)(1)(D), whether or not the need for such correction is indicated in its comprehensive plan or annual statement; and

Reports.

"(C) to prepare a comprehensive plan under subsection (e)(1), including reasonable costs that may be necessary to assist tenants in participating in the planning process in a meaningful way, an annual statement under subsection (e)(3), an annual performance and evaluation report under subsection (e)(4)(A), and an audit under subsection (e)(4)(C).".

(f) ALLOCATION OF ASSISTANCE.—Section 14 of the United States Housing Act is amended by adding at the end the following new subsection:

42 USC 1437*l*.

"(k)(1) Until the Congress establishes by law a revised method for allocating assistance under this section, assistance shall be allocated under this section in substantial accordance with the allocation method in effect on the date of the enactment of the Housing and Community Development Act of 1987.

"(2) Not later than 1 year after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall—

"(A) complete the study of the need for public housing modernization initiated pursuant to the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45) and any other studies that are necessary to evaluate the current condition and capital requirements of public housing as well as the future need for rehabilitation and replacement of public housing facilities;

"(B) submit to the Congress proposed methods for determining the relative allocation of funds between activities to correct existing deficiencies and the annual accrual of resources to meet future needs;

"(C) submit to the Congress proposed alternatives for allocating funds among public housing agencies to correct existing deficiencies, including formulas for distributing funds to public housing agencies, to regional and field offices of the Department of Housing and Urban Development, or to States, as well as such other allocation methods as the Secretary may wish to recommend;

"(D) provide the Congress with—

"(i) an analysis of data and other information used to develop recommendations for measuring existing deficiencies, future needs, and anticipated emergencies;

101 STAT. 1836

"(ii) an analysis of the bases underlying each of the proposed allocation methods; and

"(iii) a comparison of proposed allocations to previous allocations under this section;

"(E) propose to the Congress criteria for distinguishing capital replacement activities that are routine from those that are not routine;

"(F) propose to the Congress alternative methods—

"(i) to allocate funds to public housing agencies to meet predictable routine modernization and regular capital replacement expenses; and

"(ii) provide for unpredictable, infrequent, or extraordinary future capital replacement needs through a fund administered on a national, regional, State, or local level or through such other methods as the Secretary may recommend;

"(G) consult at least on a quarterly basis with organizations and individuals representing public housing agencies, local government, and tenants regarding progress on the studies referred to in subparagraph (A) and the development of alternatives for improving this section; and

"(H) estimate, for not less than the 200 largest public housing agencies, the amount that will be received annually under each such alternative allocation system and compare such amounts to funds received in prior years under this section.".

(g) ANNUAL REPORT.—Section 14 of the United States Housing Act (as amended by subsection (f) of this section) is further amended by adding at the end the following new subsection:

"(l) The Secretary shall include in the annual report under section 8 of the Department of Housing and Urban Development Act—

"(1) a description of the allocation, distribution, and use of assistance under this section on a regional basis and on the basis of public housing agency size; and

"(2) a national compilation of the total funds requested in comprehensive plans for all public housing agencies owning or operating 500 or more public housing dwelling units.".

(h) REGULATIONS.—Section 14 of the United States Housing Act (as amended by subsection (g) of this section) is further amended by adding at the end the following new subsection:

"(m) Subject to subsection (k)(1), the Secretary may issue any regulations that are necessary to carry out this section.".

(i) CONFORMING AMENDMENTS.—

(1) Section 14(d) of the United States Housing Act of 1937 is amended in the matter preceding paragraph (1) by striking "subsection (e)(4)" and inserting "subsection (f)(4)".

(2) Section 14(i)(1) of the United States Housing Act of 1937 is amended in the matter preceding subparagraph (A) by inserting "(f)," after "(e),".

(3) Section 14(f) of the United States Housing Act of 1937 (as so redesignated by this section) is amended by striking "annual".

(4) Section 14(g) of the United States Housing Act of 1937 is amended by inserting "or (e)" after "subsection (d)(4)".

(5) Section 14(h)(2) of the United States Housing Act of 1937 is amended by inserting "or (e)" after "subsection (d)(4)". 101 STAT. 1837

(6) Section 14(i) of the United States Housing Act of 1937 is amended by striking "subsections (c), (d), (e), (g), and (h)" and inserting "subsections (c) through (h)". 42 USC 1437*l*.

SEC. 120. COMPREHENSIVE IMPROVEMENT ASSISTANCE SPECIAL PURPOSE NEEDS.

Section 14(i)(1)(D) of the United States Housing Act of 1937 is amended—

(1) by inserting "(i)" after "(D)";

(2) by redesignating clauses (i) and (ii) and clauses (I) and (II), respectively;

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new clause:

"(ii) physical improvement needs eligible under this subparagraph shall include replacing or repairing major equipment systems or structural elements, upgrading security, increasing accessibility for elderly families and handicapped families (as

such terms are defined in section 3(b)(3)), reducing the number of vacant substandard units, and increasing the energy efficiency of the units, except that the Secretary may make financial assistance available under this clause only if the Secretary determines that the physical improvements are necessary and sufficient to extend substantially the useful life of the project.".

SEC. 121. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

42 USC 1437p.

(a) DETERMINATION OF INFEASIBILITY OF MODIFICATIONS.—Section 18(a)(1) of the United States Housing Act of 1937 is amended by striking "or" after "purposes," and inserting "and".

(b) DEVELOPMENT AND APPROVAL OF REPLACEMENT HOUSING PLAN.—Section 18(b) of the United States Housing Act of 1937 is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the public housing agency has developed a plan for the provision of an additional decent, safe, sanitary, and affordable dwelling unit for each public housing dwelling unit to be demolished or disposed under such application, which plan—

"(A) provides for the provision of such additional dwelling units through—

"(i) the acquisition or development of additional public housing dwelling units;

"(ii) the use of 15-year project-based assistance under section 8;

"(iii) the use of not less than 15-year project-based assistance under other Federal programs;

State and local governments. Contracts.

"(iv) the acquisition or development of dwelling units assisted under a State or local government program that provides for project-based assistance comparable in terms of eligibility, contribution to rent, and length of assistance contract (not less than 15 years) to assistance under section 8(b)(1);

"(v) the use of 15-year tenant-based assistance under section 8 (excluding vouchers under section 8(o)); or

101 STAT. 1838

"(vi) any combination of such methods;

"(B) if it provides for the use of tenant-based assistance under section 8, may be approved—

"(i) only after a finding by the Secretary that replacement with project-based assistance is not feasible, and the supply of private rental housing actually available to those who would receive such assistance under the plan is sufficient for the total number of certificates and vouchers available in the community after implementation of the plan and that such supply is likely to remain available for the full 15-year term of the assistance; and

"(ii) only if such finding is based on objective information, which shall include rates of participation by landlords in the section 8 program, size, conditions and rent levels of available rental housing as compared to section 8 standards, the supply of vacant existing housing meeting the section 8 quality standards with rents at or below the fair market rent or the likelihood of adjusting the fair market rent, the number of eligible families waiting for public housing or housing assistance under section 8, and the extent of discrimination against the types of individuals or families to be served by the assistance;

State and local governments.

"(C) is approved by the unit of general local government in which the project is located;

"(D) includes a schedule for completing the plan within a period consistent with the size of the proposed demolition or disposition, except that the schedule shall in no event exceed 6 years;

"(E) includes a method of ensuring that the same number of individuals and families will be provided housing;

"(F) provides for the payment of the relocation expenses of each tenant to be displaced and ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act; and

"(G) prevents the taking of any action to demolish or dispose of any unit until the tenant of the unit is relocated to decent, safe, sanitary, and affordable housing that is, to the extent practicable, of the tenant's choice.".

(c) FUNDING OF REPLACEMENT HOUSING PLAN.—Section 18(c) of the United States Housing Act of 1937 is amended— 42 USC 1437p.

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary shall, upon approving a plan under subsection (b)(3), agree to commit (subject to the availability of future appropriations) the funds necessary to carry out the plan over the approved schedule of the plan.

"(3) The Secretary shall, in allocating assistance for the acquisition or development of public housing or for moderate rehabilitation under section 8(e)(2), give consideration to housing that replaces demolished public housing units in accordance with a plan under subsection (b)(3).".

(d) APPLICABILITY.—Section 18 of the United States Housing Act of 1937 is amended by striking subsection (d) and inserting the following new subsection:

"(d) A public housing agency shall not take any action to demolish or dispose of a public housing project or a portion of a public housing project without obtaining the approval of the Secretary and satisfying the conditions specified in subsections (a) and (b).". 101 STAT. 1839

SEC. 122. PUBLIC HOUSING RESIDENT MANAGEMENT. Corporations.

The United States Housing Act of 1937 is amended by adding at the end the following new section:

"PUBLIC HOUSING RESIDENT MANAGEMENT

"SEC. 20. (a) PURPOSE.—The purpose of this section is to encourage increased resident management of public housing projects, as a means of improving existing living conditions in public housing projects, by providing increased flexibility for public housing projects that are managed by residents by— 42 USC 1437r.

"(1) permitting the retention, and use for certain purposes, of any revenues exceeding operating and project costs; and

"(2) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

For purposes of this section, the term 'public housing project' includes one or more contiguous buildings or an area of contiguous row houses the elected resident councils of which approve the establishment of a resident management corporation and otherwise meet the requirements of this section.

"(b) PROGRAM REQUIREMENTS.—

"(1) RESIDENT COUNCIL.—As a condition of entering into a resident management program, the elected resident council of a public housing project shall approve the establishment of a resident management corporation. When such approval is made by the elected resident council of a building or row house area, the resident management program shall not interfere with the rights of other families residing in the project or harm the efficient operation of the project. The resident management corporation and the resident council may be the same organiza-

tion, if the organization complies with the requirements applicable to both the corporation and council. The corporation shall be a nonprofit corporation organized under the laws of the State in which the project is located, and the tenants of the project shall be the sole voting members of the corporation. If there is no elected resident council, a majority of the households of the public housing project shall approve the establishment of a resident council to determine the feasibility of establishing a resident management corporation to manage the project.

"(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing project, in cooperation with the public housing agency, shall select a qualified public housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties agreed to in the daily operations of the project.

"(3) BONDING AND INSURANCE.—Before assuming any management responsibility for a public housing project, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection, in accordance with regulations and requirements of the Secretary and the public housing agency. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

101 STAT. 1840

Contracts.

"(4) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the public housing agency establishing the respective management rights and responsibilities of the corporation and the public housing agency. Such contract shall be consistent with the requirements of this Act applicable to public housing projects and may include specific terms governing management personnel and compensation, access to public housing project records, submission of and adherence to budgets, rent collection procedures, tenant income verification, tenant eligibility determinations, tenant eviction, the acquisition of supplies and materials, and such other matters as may be appropriate. The contract shall be treated as a contracting out of services and shall be subject to any provision of a collective bargaining agreement regarding contracting out to which the public housing agency is subject.

"(5) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing project shall be audited annually by a certified public accountant. A written report of each audit shall be forwarded to the public housing agency and the Secretary.

Reports.

"(c) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing projects managed by resident management corporations may be provided with comprehensive improvement assistance under section 14 for purposes of renovating such projects in accordance with such section. If such renovation activities (including the planning and architectural design of the rehabilitation) are administered by a resident management corporation, the public housing agency involved may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection unless otherwise provided by contract.

"(d) WAIVER OF FEDERAL REQUIREMENTS.—

"(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation and public housing agency, and after notice and an opportunity to comment is afforded to the affected tenants, the Secretary may waive (for both the resident management corporation and the public housing agency) any requirement established by the Secretary (and not specified in any statute) that the Secretary determines to

unnecessarily increase the costs or restrict the income of a public housing project.

"(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may, subject to applicable collective bargaining agreements, permit residents of such project to volunteer a portion of their labor.

"(3) REPORT ON ADDITIONAL WAIVERS.—Not later than 6 months after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall submit to the Congress a report setting forth any additional waivers of Federal law that the Secretary determines are necessary or appropriate to carry out the provisions of this section. In preparing the report, the Secretary shall consult with resident management corporations and public housing agencies. 101 STAT. 1841

"(4) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 16, rental payments under section 3(a), tenant or applicant protections, employee organizing rights, or rights of employees under collective bargaining agreements.

"(e) OPERATING SUBSIDY AND PROJECT INCOME.—

"(1) CALCULATION OF OPERATING SUBSIDY.—Notwithstanding any provision of section 9 or any regulation under such section, and subject to the exception provided in paragraph (3), the portion of the operating subsidy received by a public housing agency under section 9 that is allocated to a public housing project managed by a resident management corporation shall not be less than the public housing agency per unit monthly amount provided in the previous year as determined on an individual project basis.

"(2) CONTRACT REQUIREMENTS.—Any contract for management of a public housing project entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the project itself (from sources such as rents and charges) and the amount of income funds to be provided to the project from the other sources of income of the public housing agency (such as operating subsidy under section 9, interest income, administrative fees, and rents).

"(3) CALCULATION OF TOTAL INCOME.—

"(A) Subject to subparagraph (B), the amount of funds provided by a public housing agency to a public housing project managed by a resident management corporation may not be reduced during the 3-year period beginning on the date of enactment of the Housing and Community Development Act of 1987 or on any later date on which a resident management corporation is first established for the project.

"(B) If the total income of a public housing agency (including the operating subsidy provided to the public housing agency under section 9) is reduced or increased, the income provided by the public housing agency to a public housing project managed by a resident management corporation shall be reduced or increased in proportion to the reduction or increase in the total income of the public housing agency, except that any reduction in operating subsidy that occurs as a result of fraud, waste, or mismanagement by the public housing agency shall not affect the funds provided to the resident management corporation.

"(4) RETENTION OF EXCESS REVENUES.—

"(A) Any income generated by a resident management corporation of a public housing project that exceeds the income estimated for purposes of this subsection shall be excluded in subsequent years in calculating (i) the operat-

ing subsidies provided to the public housing agency under section 9; and (ii) the funds provided by the public housing agency to the resident management corporation.

"(B) Any revenues retained by a resident management corporation under subparagraph (A) shall be used for purposes of improving the maintenance and operation of the public housing project, for establishing business enterprises that employ residents of public housing, or for acquiring additional dwelling units for lower income families.

101 STAT. 1842

"(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—

"(1) FINANCIAL ASSISTANCE.—To the extent budget authority is available for section 14, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.

"(2) LIMITATION ON ASSISTANCE.—The financial assistance provided under this subsection with respect to any public housing project may not exceed $100,000.

"(3) FUNDING.—Of the amounts available for financial assistance under section 14, the Secretary may use to carry out this subsection not more than $2,500,000 for fiscal year 1988 and not more than $2,500,000 for fiscal year 1989.

"(g) ASSESSMENT AND REPORT BY THE SECRETARY.—Not later than 3 years after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall—

"(1) conduct an evaluation and assessment of resident management, and particularly of the effect of resident management on living conditions in public housing; and

"(2) submit to the Congress a report setting forth the findings of the Secretary as a result of the evaluation and assessment and including any recommendations the Secretary determines to be appropriate.".

Corporations.

SEC. 123. PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.

The United States Housing Act of 1937 (as amended by section 122 of this Act) is further amended by adding at the end the following new section:

"PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES

42 USC 1437s.

"SEC. 21. (a) HOMEOWNERSHIP OPPORTUNITIES IN GENERAL.—Lower income families residing in a public housing project shall be provided with the opportunity to purchase the dwelling units in the project through a qualifying resident management corporation as follows:

"(1) FORMATION OF RESIDENT MANAGEMENT CORPORATION.—As a condition for public housing homeownership—

"(A) the adult residents of a public housing project shall have formed a resident management corporation in accordance with regulations and requirements of the Secretary prescribed under this section and section 20;

Contracts.

"(B) the resident management corporation shall have entered into a contract with the public housing agency establishing the respective management rights and responsibilities of the resident management corporation and the public housing agency; and

"(C) the resident management corporation shall have demonstrated its ability to manage public housing effectively and efficiently for a period of not less than 3 years. 101 STAT. 1843

"(2) HOMEOWNERSHIP ASSISTANCE.—

"(A) The Secretary may provide comprehensive improvement assistance under section 14 to a public housing project in which homeownership activities under this section are conducted.

"(B) The Secretary, and the public housing agency owning and operating a public housing project, shall provide such training, technical assistance, and educational assistance as the Secretary determines to be necessary to prepare the families residing in the project, and any resident management corporation established under paragraph (1), for homeownership.

"(C) This paragraph shall not have effect after September 30, 1990. Termination date.

"(3) CONDITIONS OF PURCHASE BY A RESIDENT MANAGEMENT CORPORATION.—

"(A) A resident management corporation may purchase from a public housing agency one or more multifamily buildings in a public housing project following a determination by the Secretary that—

"(i) the resident management corporation has met the conditions of paragraph (1);

"(ii) the resident management corporation has applied for and is prepared to undertake the ownership, management, and maintenance of the building or buildings with continued assistance from the Secretary;

"(iii) the public housing agency has held one or more public hearings to obtain the views of citizens regarding the proposed purchase and, in consultation with the Secretary, has certified that the purchase will not interfere with the rights of other families residing in public housing, will not harm the efficient operation of other public housing, and is in the interest of the community;

"(iv) the public housing agency has certified that it has and will implement a plan to replace public housing units sold under this section within 30 months of the sale, which plan shall provide for replacement of 100 percent of the units sold under this section by—

"(I) production, acquisition, or rehabilitation of vacant public housing units by the public housing agency; and

"(II) acquisition by the resident management corporation of nonpublicly owned, decent, and affordable housing units, which the resident management corporation shall operate as rental housing subject to tenant income and rent limitations comparable to the limitations applicable to public housing; and

"(v) the building or buildings meet the minimum safety and livability standards applicable under section 14, and the physical condition, management, and operation of the building or buildings are sufficient to permit affordable homeownership by the families residing in the project. 101 STAT. 1844

"(B) The price of a building purchased under the preceding sentence shall be approved by the Secretary, in consultation with the public housing agency and resident management corporation, taking into account the fair market value of the property, the ability of resident families to afford and maintain the property, and such other

factors as the Secretary determines to be consistent with increasing the supply of dwelling units affordable to very low income families.

Termination date.

"(C) This paragraph shall not have effect after September 30, 1990.

"(4) CONDITIONS OF RESALE.—

"(A)(i) A resident management corporation may sell a dwelling unit or ownership rights in a dwelling unit only to a lower income family residing in, or eligible to reside in, public housing and only if the Secretary determines that the purchase will not interfere with the rights of other families residing in the housing project or harm the efficient operation of the project, and the family will be able to purchase and maintain the property.

"(ii) The sale of dwelling units or ownership rights in dwelling units under clause (i) shall be made to families in the following order of priority:

"(I) a lower income family residing in the public housing project in which the dwelling unit is located;

"(II) a lower income family residing in any public housing project within the jurisdiction of the public housing agency having jurisdiction with respect to the project in which the dwelling unit is located;

"(III) a lower income family receiving Federal housing assistance and residing in the jurisdiction of such public housing agency; and

"(IV) a lower income family on the waiting list of such public housing agency for public housing or assistance under section 8, with priority given in the order in which the family appears on the waiting list.

"(iii) Each resident management corporation shall provide each family described in clause (ii) with a notice of the eligibility of the family to purchase a dwelling unit under this paragraph.

"(B) A purchase under subparagraph (A) may be made under any of the following arrangements:

"(i) Limited dividend cooperative ownership.

"(ii) Condominium ownership.

"(iii) Fee simple ownership.

"(iv) Shared appreciation with a public housing agency providing financing under paragraph (6).

"(v) Any other arrangement determined by the Secretary to be appropriate.

"(C) Property purchased under this section shall be resold only to the resident management corporation, a lower income family residing in or eligible to reside in public housing or housing assisted under section 8, or to the public housing agency.

101 STAT. 1845

Regulations.

"(D) In no case may the owner receive consideration for his or her interest in the property that exceeds the total of—

"(i) the contribution to equity paid by the owner;

"(ii) the value, as determined by such means as the Secretary shall determine through regulation, of any improvements installed at the expense of the owner during the owner's tenure as owner; and

"(iii) the appreciated value determined by an inflation allowance at a rate which may be based on a cost of living index, an income index, or market index as determined by the Secretary through regulation and agreed to by the purchaser and the resident management corporation or the public housing agency, whichever is appropriate, at the time of initial sale, and applied against the contribution to equity; the resident

management corporation or the public housing agency may, at the time of initial sale, enter into an agreement with the owner to set a maximum amount which this appreciation may not exceed.

"(E) Upon sale, the resident management corporation or the public housing agency, whichever is appropriate, shall ensure that subsequent owners are bound by the same limitations on resale and further restrictions on equity appreciation.

"(5) USE OF PROCEEDS.—Notwithstanding any other provision of this Act or other law to the contrary, proceeds from the sale of a building or buildings under paragraph (3) and amounts recaptured under paragraph (4) shall be paid to the public housing agency and shall be retained and used by the public housing agency only to increase the number of public housing units available for occupancy. The resident management corporation shall keep and make available to the public housing agency and the Secretary all records necessary to calculate accurately payments due the local housing agency under this section. The Secretary shall not reduce or delay payments under other provisions of law as a result of amounts made available to the local housing agency under this section.

"(6) FINANCING.—When financing for the purchase of the property is not otherwise available for purposes of assisting any purchase by a family or resident management corporation under this section, the public housing agency involved may make a loan on the security of the property involved to the family or resident management corporation at a rate of interest that shall not be lower than 70 percent of the market interest rate for conventional mortgages on the date on which the loan is made.

"(7) ANNUAL CONTRIBUTIONS.—Notwithstanding the purchase of a building in a public housing project under this section, the Secretary shall continue to pay annual contributions with respect to the project. Such contributions may not exceed the maximum contributions authorized in section 5(a).

"(8) OPERATING SUBSIDIES.—Operating subsidies shall not be available with respect to a building after the date of its sale by the public housing agency.

"(b) PROTECTION OF NONPURCHASING FAMILIES.— 101 STAT. 1846

"(1) EVICTION PROHIBITION.—No family residing in a dwelling unit in a public housing project may be evicted by reason of the sale of the project to a resident management corporation under this section.

"(2) TENANTS RIGHTS.—Families renting a dwelling unit purchased by a resident management corporation shall have all rights provided to tenants of public housing under this Act.

"(3) RENTAL ASSISTANCE.—If any family resides in a dwelling unit in a building purchased by a resident management corporation, and the family decides not to purchase the dwelling unit, the Secretary shall offer to provide to the family (at the option of the family) a certificate under section 8(b)(1) or a housing voucher under section 8(o) for as long as the family continues to reside in the building. The Secretary may adjust the fair market rent for such certificate to take into account conditions under which the building was purchased.

"(4) RENTAL AND RELOCATION ASSISTANCE.—If any family resides in a dwelling unit in a public housing project in which other dwelling units are purchased under this section, and the family decides not to purchase the dwelling unit, the Secretary shall offer (to be selected by the family, at its option)—

"(A) to assist the family in relocating to a comparable appropriate sized dwelling unit in another public housing project, and to reimburse the family for their cost of relocation; and

"(B) to provide to the family the financial assistance necessary to permit the family to stay in the dwelling unit or to move to another comparable dwelling unit and to pay no more for rent than required under subparagraph (A), (B), or (C) of section 3(a)(1).

"(c) FINANCIAL ASSISTANCE FOR PUBLIC HOUSING AGENCIES.—The Secretary shall provide to public housing agencies such financial assistance as is necessary to permit such agencies to carry out the provisions of this section.

"(d) ADDITIONAL HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—This section shall not apply to the turnkey III, the mutual help, or any other homeownership program established under section 5(h) or section 6(c)(4)(D) and in existence before the date of the enactment of the Housing and Community Development Act of 1987.

"(e) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section. Such regulations may establish any additional terms and conditions for homeownership or resident management under this section that are determined by the Secretary to be appropriate.

"(f) ANNUAL REPORT.—The Secretary shall annually submit to the Congress a report setting forth—

"(1) the number, type, and cost of units sold;

"(2) the income, race, gender, children, and other characteristics of families purchasing or moving and not purchasing;

"(3) the amount and type of financial assistance provided;

"(4) the need for subsidy to ensure continued affordability and meet future maintenance and repair costs;

"(5) any need for the development of additional public housing dwelling units as a result of the sale of public housing dwelling units under this section;

"(6) recommendations of the Secretary for additional budget authority to carry out such development;

101 STAT. 1847

"(7) recommendations of the Secretary to ensure decent homes and decent neighborhoods for lower income families; and

"(8) the recommendations of the Secretary for statutory and regulatory improvements to the program.

Contracts.

"(g) LIMITATION.—Any authority of the Secretary under this section to provide financial assistance, or to enter into contracts to provide financial assistance, shall be effective only to such extent or in such amounts as are or have been provided in advance in an appropriation Act.".

SEC. 124. TREATMENT OF CERTAIN PUBLIC HOUSING DEVELOPMENT FUNDS.

Pennsylvania.

(a) FORGIVENESS OF CERTAIN INTEREST.—Notwithstanding any other provision of law or other requirement, any interest accruing on any excess funds advanced to the Housing Authority of the City of Pittsburgh, in the State of Pennsylvania, for development of the public housing project numbered PA-1-22 shall be forgiven, and any such interest paid to the Secretary of Housing and Urban Development before the date of the enactment of this Act shall be returned to such City.

Michigan.

(b) FORGIVENESS OF CERTAIN PAYMENTS.—Notwithstanding any other provision of law or other requirement, the Secretary of Housing and Urban Development may not require the Bay City Housing Commission in the State of Michigan to pay any amount relating to ineligible costs incurred with respect to the public housing development grant numbered Michigan 24-7, awarded in 1974, under the United States Housing Act of 1937.

(c) SUBJECT TO APPROPRIATIONS.—This section shall be effective only to the extent approved in appropriation Acts.

42 USC 1437k note.

SEC. 125. ENERGY EFFICIENT PUBLIC HOUSING DEMONSTRATION.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish a demonstration program through the assistance of an appropriate technology transfer organization that

specializes in producing detailed energy-efficient designs and in conducting local and statewide, public participation tests for energy efficient, needs-oriented housing. The appropriate technology organization shall carry out the demonstration working through and with public housing agencies to build and test a variety of energy-efficient housing designs in 100 separate housing units in 4 different States that meet local lower income housing needs (including single parent, disabled, and elderly concerns) through a composite ranging from single to 12-plex units in the cluster approach on vacant lots and open areas.

(b) REPORT.—As soon as practicable following September 30, 1988, the Secretary of Housing and Urban Development shall submit to the Congress a report setting forth the findings and recommendations of the Secretary as a result of the demonstration under this section.

(c) FUNDING.—Of the budget authority authorized to be provided for the development of public housing, there is authorized to be appropriated to carry out this section $4,700,000 for fiscal year 1988.

SEC. 126. PUBLIC HOUSING COMPREHENSIVE TRANSITION DEMONSTRATION.

42 USC 1437f note.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—The Secretary of Housing and Urban Development (in this section referred to as the "Secretary") shall carry out a program to demonstrate the effectiveness of providing a comprehensive program of services to participating public housing residents in order to ensure the successful transition of such residents to private housing. In carrying out the demonstration program, the Secretary shall consult with the heads of other appropriate Federal agencies to design and implement procedures to carry out the transition from public housing.

101 STAT. 1848

(b) SCOPE OF DEMONSTRATION PROGRAM.—The Secretary shall carry out the demonstration program with respect to public housing administered by the Housing Authority of the City of Charlotte, in the State of North Carolina. The Secretary may also carry out the demonstration program with respect to public housing administered by not more than 10 additional public housing agencies.

North Carolina.

(c) REQUIREMENTS OF DEMONSTRATION PROGRAM.—The demonstration program shall consist of the following requirements:

(1) CONTRACT OF PARTICIPATION.—Each participating public housing agency may enter into a voluntary contract with any family that is to commence residence in a public housing project administered by the public housing agency. The contract shall be made part of the lease, shall set forth the provisions of the demonstration program, and shall specify the resources to be made available to the participating family and the responsibilities of the participating family.

(2) REMEDIATION PHASE.—

(A) During not to exceed the first 2 years of residence of a participating family in public housing, the public housing agency shall ensure the provision of remediation services to the family in accordance with the terms and conditions of the contract of participation, which may include—

Education. Drugs and drug abuse.

(i) remedial education;
(ii) completion of high school;
(iii) job training and preparation;
(iv) substance abuse treatment and counseling;
(v) training in homemaking skills and parenting; and
(vi) training in money management.

(B) During the remediation phase, the amount of rent charged the family may not be increased on the basis of any increase in earned income of the family.

(3) TRANSITION PHASE.—

(A) During not to exceed a 5-year period following completion of the remediation stage—

(i) the head of the family shall be required to have full-time employment; and

(ii) the public housing agency shall ensure the provision of counseling for the family with respect to homeownership, money management, and problem solving.

(B) During the transition phase, the amount of rent charged the family—

(i) may be increased on the basis of any increase in family income; and

(ii) may not be decreased on the basis of any decrease in earned income due to voluntary termination of employment.

(4) ENCOURAGEMENT OF SAVINGS.—The public housing agency shall take appropriate actions (including the establishment of an escrow savings account) to encourage each participating family to save funds during the remediation and transition phases.

101 STAT. 1849

(5) EFFECT OF INCREASES IN FAMILY INCOME.—

(A) Any increase in the earned income of a family during participation in the demonstration program under this section may not be considered as income or a resource for the purpose of denying the eligibility of, or reducing the amount of benefits payable to, the family under any other Federal law, unless the income of the family increases at any time to not less than 50 percent of the median income of the area (as determined by the Secretary with adjustments for smaller and larger families).

(B) If at any time during the participation of a family in the demonstration program the income of the family increases to not less than 80 percent of the median income of the area (as determined by the Secretary with adjustments for smaller and larger families), the participation of the family in the demonstration program shall terminate.

(6) COMPLETION OF TRANSITION.—Each family participating in the demonstration program shall be required to complete the transition out of public housing during a period of not more than 7 years. The public housing agency shall extend the period for any family that requests an extension for good cause.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Congress an interim report evaluating the effectiveness of the demonstration program under this section.

(2) FINAL REPORT.—Not later than 60 days after the termination of the demonstration program under subsection (f), the Secretary shall submit to the Congress a final report evaluating the effectiveness of the demonstration program under this section.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(f) TERMINATION OF DEMONSTRATION PROGRAM.—The demonstration program under this section shall terminate upon the expiration of the 7-year period beginning on the date of the enactment of this Act.

PART 3—SECTION 8 ASSISTANCE AND OTHER PROGRAMS

SEC. 141. SECTION 8 CONTRACTS FOR EXISTING DWELLING UNITS

42 USC 1437f.

Section 8(b)(1) of the United States Housing Act of 1937 is amended by inserting after the first sentence the following new sentence: "The Secretary shall enter into a separate annual contributions contract with each public housing agency to obligate the authority approved each year, beginning with the authority approved in appropriations Acts for fiscal year 1988 (other than amendment authority to increase assistance payments being made

using authority approved prior to the appropriations Acts for fiscal year 1988), and such annual contributions contract (other than for annual contributions under subsection (o)) shall bind the Secretary to make such authority, and any amendments increasing such authority, available to the public housing agency for a specified period.". 101 STAT. 1850

SEC. 142. SECTION 8 FAIR MARKET RENTALS AND CONTRACT RENTS.

(a) ANNUAL ADJUSTMENT.—Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting before the last sentence the following new sentence: "Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply, of rents for existing or newly constructed rental dwelling units, as the case may be, of various sizes and types in the market area suitable for occupancy by persons assisted under this section.". 42 USC 1437f.

(b) CALCULATION FOR CERTAIN COUNTY.—Section 8(c)(1) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "The Secretary shall establish separate fair market rentals under this paragraph for Westchester County in the State of New York.". New York.

(c) COMPARABILITY.—

(1) Section 8(c)(1) of the United States Housing Act of 1937 (as amended by subsection (b) of this section) is further amended by adding at the end the following new sentence: "If units assisted under this section are exempt from local rent control while they are so assisted or otherwise, the maximum monthly rent for such units shall be reasonable in comparison with other units in the market area that are exempt from local rent control.".

(2) Section 8(c)(2)(C) of the United States Housing Act of 1937 is amended—

(A) by striking "assisted and comparable unassisted units" and inserting the following: "assisted units and unassisted units of similar quality and age in the same market area"; and

(B) by adding at the end the following new sentence: "If the Secretary or appropriate State agency does not complete and submit to the project owner a comparability study not later than 60 days before the anniversary date of the assistance contract under this section, the automatic annual adjustment factor shall be applied.".

(d) PROHIBITION ON REDUCTION OF CERTAIN CONTRACT RENTS.—Section 8(c)(2)(C) of the United States Housing Act of 1937 (as amended by subsection (c) of this section) is further amended by adding at the end the following new sentence: "The Secretary may not reduce the contract rents in effect on or after April 15, 1987, for newly constructed, substantially rehabilitated, or moderately rehabilitated projects assisted under this section (including projects assisted under this section as in effect prior to November 30, 1983), unless the project has been refinanced in a manner that reduces the periodic payments of the owner.".

(e) REPEAL OF LIMIT ON CONTRACT RENT INCREASES.—Section 8(c)(2) of the United States Housing Act of 1937 is amended by striking subparagraph (D).

SEC. 143. HOUSING VOUCHER PROGRAM.

(a) OPERATION.—Section 8(o) of the United States Housing Act of 1937 is amended— 101 STAT. 1851

(1) in the first sentence of paragraph (1), by striking "In" and all that follows through "demonstration program" and inserting "The Secretary may provide assistance";

(2) by striking paragraph (4); and

(3) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively.

42 USC 1437f.

(b) FLEXIBILITY TO ADJUST ASSISTANCE PAYMENTS.—Section 8(o)(6) of the United States Housing Act of 1937 (as so redesignated by subsection (a) of this section) is amended—

(1) in subparagraph (A), by striking "as frequently as twice during any five-year period" and inserting "annually"; and

(2) by striking subparagraph (D).

(c) USE OF VOUCHERS IN CONNECTION WITH COOPERATIVE AND MUTUAL HOUSING.—Section 8(o)(7) of the United States Housing Act of 1937 (as so redesignated by subsection (a) of this section) is amended by striking "not to exceed 5 per centum of the amount of".

(d) ADJUSTMENT POOLS.—Section 8(o) of the United States Housing Act of 1937 (as amended by subsection (a) of this section) is further amended by adding at the end the following new paragraph:

"(8) The Secretary may set aside up to 5 percent of the budget authority available under this subsection as an adjustment pool. The Secretary shall use amounts in the adjustment pool for adjustments pursuant to paragraph (6)(A) to ensure continued affordability where the Secretary determines additional assistance for this purpose is necessary, based on documentation submitted by a public housing agency.".

SEC. 144. ADMINISTRATIVE FEES FOR SECTION 8 CERTIFICATE AND HOUSING VOUCHER PROGRAMS.

Section 8 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) The Secretary shall establish a fee for the costs incurred in administering the certificate and housing voucher programs under subsections (b) and (o). The amount of the fee for each month for which a dwelling unit is covered by an assistance contract shall be 8.2 percent of the fair market rental established under subsection (c)(1) for a 2-bedroom existing rental dwelling unit in the market area of the public housing agency. The Secretary may increase the fee if necessary to reflect the higher costs of administering small programs and programs operating over large geographic areas.

Contracts.

"(2)(A) The Secretary shall also establish reasonable fees (as determined by the Secretary) for—

"(i) the costs of preliminary expenses (not to exceed $275) that the public housing agency documents it has incurred in connection with new allocations of assistance under the certificate and housing voucher programs under subsections (b) and (o);

"(ii) the costs incurred in assisting families who experience difficulty (as determined by the Secretary) in obtaining appropriate housing under the programs; and

"(iii) extraordinary costs approved by the Secretary.

"(B) The method used to calculate fees under subparagraph (A) shall be the same for the certificate and housing voucher programs under subsections (b) and (o) and shall take into account local cost differences.

"(3) The Secretary may establish or increase a fee in accordance with this subsection only to such extent or in such amounts as are provided in appropriation Acts.".

101 STAT. 1852

SEC. 145. PORTABILITY OF SECTION 8 CERTIFICATES AND VOUCHERS.

Section 8 of the United States Housing Act of 1937 (as amended by section 144 of this Act) is further amended by adding at the end the following new subsection:

"(r)(1) Any family assisted under subsection (b) or (o) may receive such assistance to rent an eligible dwelling unit if the dwelling unit to which the family moves is within the same, or a contiguous, metropolitan statistical area as the metropolitan statistical area within which is located the area of jurisdiction of the public housing agency approving such assistance.

"(2) The public housing agency having authority with respect to the dwelling unit to which a family moves under this subsection shall have the responsibility of carrying out the provisions of this subsection with respect to the family. If no public housing agency

has authority with respect to the dwelling unit to which a family moves under this subsection, the public housing agency approving the assistance shall have such responsibility.

"(3) In providing assistance under subsection (b) or (o) for any fiscal year, the Secretary shall give consideration to any reduction in the number of resident families incurred by a public housing agency in the preceding fiscal year as a result of the provisions of this subsection.

"(4) The provisions of this subsection may not be construed to restrict any authority of the Secretary under any other provision of law to provide for the portability of assistance under this section.".

SEC. 146. PROHIBITION OF DENIAL OF SECTION 8 CERTIFICATES AND VOUCHERS TO RESIDENTS OF PUBLIC HOUSING.

Section 8 of the United States Housing Act of 1937 (as amended by section 145 of this Act) is further amended by adding at the end the following new subsection:

"(s) In selecting families for the provision of assistance under this section (including subsection (o)), a public housing agency may not exclude or penalize a family solely because the family resides in a public housing project.".

SEC. 147. NONDISCRIMINATION AGAINST SECTION 8 CERTIFICATE HOLDERS AND VOUCHER HOLDERS. Contracts.

Section 8 of the United States Housing Act of 1937 (as amended by section 146 of this Act) is further amended by adding at the end the following new subsection:

"(t)(1) No owner who has entered into a contract for housing assistance payments under this section on behalf of any tenant in a multifamily housing project shall refuse—

"(A) to lease any available dwelling unit in any multifamily housing project of such owner that rents for an amount not greater than the fair market rent for a comparable unit, as determined by the Secretary under this section, to a holder of a certificate of eligibility under this section a proximate cause of which is the status of such prospective tenant as a holder of such certificate, and to enter into a housing assistance payments contract respecting such unit; or

"(B) to lease any available dwelling unit in any multifamily housing project of such owner to a holder of a voucher under subsection (o), and to enter into a voucher contract respecting such unit, a proximate cause of which is the status of such prospective tenant as holder of such voucher. 101 STAT. 1853

"(2) For purposes of this subsection, the term 'multifamily housing project' means a residential building containing more than 4 dwelling units.".

SEC. 148. PROJECT-BASED SECTION 8 ASSISTANCE.

Section 8(d)(2) of the United States Housing Act of 1937 is amended by inserting before the period at the end of the last sentence the following: ", except that the Secretary shall permit the public housing agency to approve such attachment with respect to not more than 15 percent of the assistance provided by the public housing agency if the requirements of clause (B) are met". 42 USC 1437f.

SEC. 149. SECTION 8 ASSISTANCE FOR RESIDENTS OF RENTAL REHABILITATION PROJECTS.

Section 8 of the United States Housing Act of 1937 (as amended by section 147 of this Act) is further amended by adding at the end the following new subsection:

"(u) In the case of lower income families living in rental projects rehabilitated under section 17 of this Act or section 533 of the Housing Act of 1949 before rehabilitation—

"(1) certificates or vouchers under this section shall be made for families who are required to move out of their units because of the physical rehabilitation activities or because of overcrowding; and

"(2) at the discretion of each public housing agency or other agency administering the allocation of assistance, certificates or vouchers under this section may be made for families who would have to pay more than 30 percent of their adjusted income for rent after rehabilitation whether they choose to remain in, or to move from, the project.".

SEC. 150. RENTAL REHABILITATION GRANTS.

42 USC 1437o.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 17(a)(3) of the United States Housing Act of 1937 is amended to read as follows:

"(3) AUTHORIZATION.—There are authorized to be appropriated for rental rehabilitation under this section $125,000,000 for each of the fiscal years 1988 and 1989, of which $1,500,000 shall be available each fiscal year for technical assistance, including the collection, processing, and dissemination of program information useful for local and national program management.".

(b) ELIGIBLE PROPERTY.—Section 17(a)(1)(A) of the United States Housing Act of 1937 is amended by inserting after "property" the following: ", or of real property that will be privately owned upon the completion of rehabilitation,".

(c) MAXIMUM GRANT AMOUNT.—Section 17(c)(2)(E) of the United States Housing Act of 1937 is amended by striking "$5,000 per unit" and inserting the following: "$5,000 per unit for a unit with no bedrooms, $6,500 per unit for a unit with 1 bedroom, $7,500 per unit for a unit with 2 bedrooms, and $8,500 per unit for a unit with 3 or more bedrooms,".

(d) USE OF FUNDS.—Section 17(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

State and local governments.

"(4) USE OF FUNDS TO COMPLY WITH SEISMIC STANDARDS.—If a unit of general local government has a local ordinance that requires rehabilitation to meet seismic standards, the unit of local government may use all rehabilitation assistance received under this section to rehabilitate units with no bedroom or 1 bedroom, if the occupants of the units will have incomes that do not exceed 50 percent of the median income of the area.".

101 STAT. 1854

42 USC 1437o.

(e) ADMINISTRATIVE EXPENSES.—Section 17(h) of the United States Housing Act of 1937 is amended by inserting before the period at the end the following: ", except that not more than 10 percent of any rehabilitation grant received under subsection (c) may be retained to cover administrative expenses incurred by any State administering resources made available under subsection (b) (which State shall share such amount with units of general local government administering the program with the State) and by any city or urban county receiving resources under subsection (b)".

(f) ELIGIBILITY.—Section 17(k)(4) of the United States Housing Act of 1937 is amended—

(1) by inserting "privately owned" before "real property";

(2) by inserting "(A)" after "includes"; and

(3) by inserting before the semicolon at the end the following: ", and (B) housing that is owned by a State or locally chartered, neighborhood based, nonprofit organization the primary purpose of which is the provision and improvement of housing".

SEC. 151. RENTAL DEVELOPMENT GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 17(a)(3) of the United States Housing Act of 1937 (as amended by section 150 of this Act) is further amended by adding at the end the following new sentence: "There are authorized to be appropriated for development grants under this section $75,000,000 for fiscal year 1988 and $75,000,000 for fiscal year 1989.".

(b) AREA ELIGIBILITY.—Section 17(d)(2) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, the eligibility requirements for development grants under this section shall be the requirements in effect under this subsection on October 17, 1986.".

(c) GRANT AMOUNT.—Section 17(d)(4)(B) of the United States Housing Act of 1937 is amended by striking "refinancing costs and".

(d) PROGRAM REQUIREMENTS.—Section 17(d)(4) of the United States Housing Act of 1937 is amended—

(1) by inserting before the semicolon at the end of subparagraph (G) the following: ", except that the Secretary may extend such period by not more than 6 months if the commencement of such activities is delayed due to judicial or administrative proceedings";

(2) by striking "and" at the end of subparagraph (G);

(3) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(4) by adding at the end the following new subparagraph:

"(I) the owner of each assisted structure agrees to comply with the provisions of paragraph (8) until the 20-year period specified in paragraph (7) has ended.".

(e) DEVELOPMENT COST.—Section 17(d) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(10) DEVELOPMENT COST.—

"(A) The Secretary shall include in the development cost of a project assisted under this subsection any developer's fee if such fee—

101 STAT. 1855

"(i) is included in a mortgage secured by the project; and

"(ii) the lender is a State housing finance agency or the project is financed by bonds issued by a State housing finance agency or similar local entity.

"(B) The amount of any developer's fee shall not be counted in calculating the maximum grant amount pursuant to paragraph (4)(B).

"(C) This paragraph shall only be applicable to projects with respect to which a notice of project selection is received before the date of the enactment of the Housing and Community Development Act of 1987.".

SEC. 152. TERMINATION OF RENTAL DEVELOPMENT GRANT PROGRAM. 42 USC 1437a.

(a) IN GENERAL.—Effective on October 1, 1989, the rental development grant program under section 17(d) of the United States Housing Act of 1937 shall terminate.

(b) SAVINGS PROVISION.—The provisions of subsection (a) shall not apply with respect to any housing development grant under section 17(d) of the United States Housing Act of 1937 made pursuant to a reservation of funds made by the Secretary of Housing and Urban Development before October 1, 1989.

Subtitle B—Other Housing Assistance Programs

SEC. 161. HOUSING FOR THE ELDERLY AND HANDICAPPED.

(a) BORROWING AUTHORITY.—The first sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended— 12 USC 1701q.

(1) by striking "and" the first place it appears; and

(2) by inserting after "1984," the following: "and to such sums as may approved in appropriation Acts for fiscal years 1988 and 1989,".

(b) LOAN AUTHORITY.—Section 202(a)(4)(C) of the Housing Act of 1959 is amended by adding at the end the following new sentence: "For fiscal years 1988 and 1989, not more than $621,701,000 and $630,000,000, respectively, may be approved in appropriation Acts for such loans.".

(c) INTEREST RATE ON LOANS.—

(1) CALCULATION OF RATE.—Section 202(a)(3) of the Housing Act of 1959 is amended—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking all that follows "Secretary" the second place it appears through "loan is made" and inserting the following: "taking into consideration the average yield, during the 3-month period immediately preceding the fiscal year in which the loan is made, on the most recently issued 30-year marketable obligations of the United States"; and

(C) by adding at the end the following new subparagraph:

"(B) At the option of the borrower, a loan under this section may be made and may be processed for a conditional or firm commitment either (i) at an interest rate not to exceed a rate and allowance determined by the Secretary in accordance with subparagraph (A) using the 1-month period immediately prior to the month in which the request for a commitment is submitted; or (ii) at an interest rate
101 STAT. 1856 not to exceed a rate and allowance determined by the Secretary in accordance with subparagraph (A) using the 3-month period immediately preceding the fiscal year in which the request for a commitment is submitted.".

12 USC 1701q note.

(2) MAXIMUM RATE.—Section 223(a) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking paragraph (2).

12 USC 1701q.

(d) INTEREST RATE ON NOTES.—The second sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended to read as follows: "Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average yield, during the 3-month period immediately preceding the fiscal year in which the loan is made, on the most recently issued 30-year marketable obligations of the United States.".

(e) APPEAL OF CANCELLATION OF LOAN AUTHORITY.—Section 202 of the Housing Act of 1959 is amended by adding at the end the following new subsection:

"(n) The Secretary shall notify the project sponsor not less than 30 days prior to canceling any loan authority provided under this section. During the 30-day period following the receipt of a notice under paragraph (1), a sponsor may appeal the proposed cancellation of loan authority. Such appeal, including review by the Secretary, shall be completed not later than 45 days after the appeal is filed.".

(f) PRIORITY.—Section 202(a) of the Housing Act of 1959 is amended by adding at the end the following new paragraph:

"(8) In reviewing applications for loans under this section, the Secretary shall give a priority to any project that will provide housing designed to replace a structure that is owned by a public housing agency, contains not less than 100 dwelling units, is used for housing only elderly families, and is to be demolished. The requirements of this paragraph shall not apply after September 30, 1988.".

Termination date.

SEC. 162. HOUSING FOR THE HANDICAPPED.

12 USC 1701q note.

(a) FINDINGS AND PURPOSE.—

(1) The Congress finds that—

(A) housing for nonelderly handicapped families is assisted under section 202 of the Housing Act of 1959 and section 8 of the United States Housing Act of 1937;

(B) the housing programs under such sections are designed and implemented primarily to assist rental housing for elderly and nonelderly families and are often inappropriate for dealing with the specialized needs of the physically impaired, the developmentally disabled, and the chronically mentally ill;

(C) the development of housing for nonelderly handicapped families under such programs is often more expensive than necessary, thereby reducing the number of such families that can be assisted with available funds;

(D) the program under section 202 of the Housing Act of 1959 can continue to provide direct loans to finance group

residences and independent apartments for nonelderly handicapped families, but can be made more efficient and less costly by the adoption of standards and procedures applicable only to housing for such families;

(E) the cost containment policies currently being implemented in the development of small group homes (i) do not adequately reflect the necessity for building designs to meet the needs of the designated residents; and (ii) do not recognize necessary State and local standards for the operation of such homes; 101 STAT. 1857

(F) the use of the program under section 8 of the United States Housing Act of 1937 to assist rentals for housing for nonelderly handicapped families is time consuming and unnecessarily costly and, in some areas of the Nation, prevents the development of such housing;

(G) the use of the program under section 8 of the United States Housing Act of 1937 to assist rentals for housing for nonelderly handicapped families should be replaced by a more appropriate subsidy mechanism;

(H) both elderly and handicapped housing projects assisted under section 202 of the Housing Act of 1959 will benefit from an increased emphasis on supportive services and a greater use of State and local funds; and

(I) an improved program for nonelderly handicapped families will assist in providing shelter and supportive services for mentally ill persons who might otherwise be homeless.

(2) The purpose of this section is to improve the direct loan program under section 202 of the Housing Act of 1959 to ensure that such program meets the special housing and related needs of nonelderly handicapped families.

(b) HOUSING FOR HANDICAPPED FAMILIES.—

(1) Section 202(h) of the Housing Act of 1959 is amended to read as follows: 12 USC 1701q.

"(h)(1) Of the amounts made available in appropriation Acts for loans under subsection (a)(4)(C) for any fiscal year commencing after September 30, 1987, not less than 15 percent shall be available for loans for the development costs of housing for handicapped families. If the amount required for any such fiscal year for approvable applications for loan under this subsection is less than the amount available under this paragraph, the balance shall be made available for loans under other provisions of this section. Loans.

"(2) The Secretary shall take such actions as may be necessary to ensure that—

"(A) funds made available under this subsection will be used to support a variety of methods of meeting the needs primarily of nonelderly handicapped families by providing a variety of housing options, ranging from small group homes to independent living complexes; and

"(B) housing for handicapped families assisted under this subsection will provide families occupying units in such housing with an assured range of services specified in subsection (f), will provide such families with opportunities for optimal independent living and participation in normal daily activities, and will facilitate access by such families to the community at large and to suitable employment opportunities within such community.

"(3)(A) In allocating funds under this subsection, and in processing applications for loans under this section and assistance payments under paragraph (4), the Secretary shall adopt such distinct standards and procedures as the Secretary determines appropriate due to differences between housing for handicapped families and other housing assisted under this section. In adopting such standards, the Secretary shall ensure adequate participation by representatives of

101 STAT. 1858

the disability community through the provisions available under the Federal Advisory Committee Act.

"(B) The Secretary may, on a demonstration basis, determine the feasibility and desirability of reducing processing time and costs for housing for handicapped families by limiting project design to a small number of prototype designs. Any such demonstration shall be limited to the 3-year period following the date of the enactment of the Housing and Community Development Act of 1987, may only involve projects whose sponsors consent to participation in such demonstration, and shall be described in a report submitted by the Secretary to the Congress following completion of such demonstration.

Reports.

Contracts.
Loans.

"(4)(A) The Secretary shall, to the extent approved in appropriation Acts, enter into contracts with owners of housing for handicapped families receiving loans under, or meeting the requirements of, this section to make monthly payments to cover any part of the costs attributed to units occupied (or, as approved by the Secretary, held for occupancy) by lower income families that is not met from project income. The annual contract amount for any project shall not exceed the sum of the initial annual project rentals for all units and any initial utility allowances for such units, as approved by the Secretary. Any contract amounts not used by a project in any year shall remain available to the project until the expiration of the contract. The term of a contract entered into under this subparagraph shall be 240 months. The annual contract amount may be adjusted by the Secretary if the sum of the project income and the amount of assistance payments available under this subparagraph are inadequate to provide for reasonable project costs. In the case of an intermediate care facility in which there reside families assisted under title XIX of the Social Security Act, project income under this subparagraph shall include the same amount as if such families were being assisted under title XVI of the Social Security Act.

"(B) The Secretary shall approve initial project rentals for any project assisted under this subsection based on the determination of the Secretary of the total actual necessary and reasonable costs of developing and operating the project, excluding the costs of the assured range of services under subsection (f), taking into consideration the need to contain costs to the extent practicable and consistent with the purposes of the project and this section.

"(C) The Secretary shall require that, during the term of each contract entered into under subparagraph (A), all units in a project assisted under this subsection shall be made available for occupancy by lower income families, as such term is defined in section 3(b)(2) of the United States Housing Act of 1937. The rent payment required of a lower income family shall be determined in accordance with section 3(a) of such Act, except that the gross income of a family occupying an intermediate care facility assisted under title XIX of the Social Security Act shall be the same amount as if the family were being assisted under title XVI of the Social Security Act.

"(D) The Secretary shall coordinate the processing of an application for a loan for housing for handicapped families under this section and the processing of an application for assistance payments under this paragraph for such housing.".

12 USC 1701q.

(2) Section 202(d) of the Housing Act of 1959 is amended by

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adding at the end the following new paragraphs:

"(9) The term 'housing for handicapped families' means housing and related facilities to be occupied by handicapped families who are primarily nonelderly handicapped families.

"(10) The term 'nonelderly handicapped families' means elderly or handicapped families, the head of which (and spouse, if any) is less than 62 years of age at the time of initial occupancy of a project assisted under this section.".

12 USC 1701q.

(3) Section 202(c)(3) of the Housing Act of 1959 is amended by inserting after "section" the following: "and designed for dwelling use by 12 or more elderly or handicapped families".

(c) SUPPORTIVE SERVICES FOR ELDERLY AND HANDICAPPED FAMILIES.—Section 202(f) of the Housing Act of 1959 is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) Each applicant for a loan under this section for housing and related facilities shall submit with the application a supportive services plan describing— Loans.

"(A) the category or categories of families such housing and facilities are intended to serve;

"(B) the range of necessary services to be provided to the families occupying such housing;

"(C) the manner in which such services will be provided to such families; and

"(D) the extent of State and local funds available to assist in the provision of such services.". State and local governments.

(d) TERMINATION OF SECTION 8 ASSISTANCE.—On and after the first date that amounts approved in an appropriation Act for any fiscal year become available for contracts under section 202(h)(4)(A) of the Housing Act of 1959, as amended by subsection (b) of this section, no project for handicapped (primarily nonelderly) families approved for such fiscal year pursuant to section 202 of such Act shall be provided assistance payments under section 8 of the United States Housing Act of 1937, except pursuant to a reservation for a contract to make such assistance payments that was made before the first date that amounts for contracts under such section 202(h)(4)(A) became available. Contracts. 12 USC 1701q note.

(e) IMPLEMENTATION.—Not later than the expiration of the 120-day period following the date of the enactment of this Act, the Secretary of Housing and Urban Development shall, to the extent amounts are approved in an appropriation Act for use under section 202(h)(4)(A) of the Housing Act of 1959 for fiscal year 1988, publish in the Federal Register a notice of fund availability to implement the provisions of, and amendments made by, this section. The Secretary shall issue such rules as may be necessary to carry out such provisions and amendments for fiscal year 1989 and thereafter. Federal Register, publication. 12 USC 1701q note.

(f) EFFECTIVE DATE AND APPLICABILITY.— 12 USC 1701q note.

(1) Except as otherwise provided in this section, the provisions of, and amendments made by, this section shall not apply with respect to projects with loans or loan reservations made under section 202 of the Housing Act of 1959 before the implementation date under subsection (e).

(2) Notwithstanding paragraph (1), the Secretary shall apply the provisions of, and amendments made by, this section to any project if needed to facilitate the development of such project in a timely manner.

SEC. 163. CONGREGATE SERVICES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 411(a) of the Congregate Housing Services Act of 1978 is amended to read as follows: 42 USC 8010.

"(a) There are authorized to be appropriated to carry out this title $10,000,000 for each of the fiscal years 1988 and 1989.".

(b) DELETION OF REFERENCE TO PROGRAM AS NONPERMANENT.—Section 408 of the Congregate Housing Services Act of 1978 is amended by striking subsection (c). 42 USC 8007.

(c) REPORT.—Section 408 of the Congregate Housing Services Act of 1978 (as amended by subsection (b) of this section) is further amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall contract with a university or qualified research institution to produce a report— Contracts. State and local governments.

"(A) documenting the number of elderly living in federally assisted housing at risk of institutionalization;

"(B) studying and comparing alternative delivery systems in the States, including the congregate housing services program, to provide services to older persons in assisted congregate housing;

"(C) assessing existing and potential financial resources at the Federal, State, and local levels for the support of congregate housing services; and

Grants.

"(D) making legislative recommendations as to the feasibility of permitting State housing agencies and other appropriate State agencies to participate and operate the program on a matching grant basis.

"(2) The Secretary shall submit the report to the Congress not later than September 30, 1988.".

SEC. 164. MODIFICATION OF RESTRICTION ON USE OF ASSISTED HOUSING BY ALIENS.

42 USC 1436a.

(a) ALIENS ADMITTED FOR LAWFUL RESIDENCE.—Section 214(a) of the Housing and Community Development Act of 1980 is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6) an alien lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act.".

(b) PRESERVATION OF FAMILIES.—Section 214 of the Housing and Community Development Act of 1980 is amended by inserting after subsection (b) the following new subsection:

"(c)(1) If, following completion of the applicable hearing process, financial assistance for any individual receiving such assistance on the date of the enactment of the Housing and Community Development Act of 1987 is to be terminated, the public housing agency or other local governmental entity involved (in the case of public housing or assistance under section 8 of the United States Housing Act of 1937) or the Secretary of Housing and Urban Development (in the case of any other financial assistance) may, in its discretion, take one of the following actions:

"(A) Permit the continued provision of financial assistance, if necessary to avoid the division of a family in which the head of household or spouse is a citizen of the United States, a national of the United States, or an alien resident of the United States described in any of paragraphs (1) through (6) of subsection (a). For purposes of this paragraph, the term 'family' means a head of household, any spouse, any parents of the head of household, any parents of the spouse, and any children of the head of household or spouse.

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"(B) Defer the termination of financial assistance, if necessary to permit the orderly transition of the individual and any family members involved to other affordable housing. Any deferral under this subparagraph shall be for a 6-month period and may be renewed by the public housing agency or other entity involved for an aggregate period of 3 years. At the beginning of each deferral period, the public housing agency or other entity involved shall inform the individual and family members of their ineligibility for financial assistance and offer them other assistance in finding other affordable housing.

"(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of—

"(A) any alien who—

"(i) has a residence in a foreign country that such alien has no intention of abandoning;

"(ii) is a bona fide student qualified to pursue a full course of study; and

"(iii) is admitted to the United States temporarily and solely for purposes of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by such alien and approved by the Attorney General after consultation with the Department of Education of the

United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student (and if any such institution of learning or place of study fails to make such reports promptly the approval shall be withdrawn); and

"(B) the alien spouse and minor children of any alien described in subparagraph (A), if accompanying such alien or following to join such alien.".

(c) VERIFICATION PROCEDURES.—Section 214(d) of the Housing and Community Development Act of 1980 (as added by section 121(a)(2) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended— Immigration. 42 USC 1436a.

(1) in paragraph (2), by inserting after "States" the following: ", is not 62 years of age or older, and is receiving financial assistance on the date of the enactment of the Housing and Community Development Act of 1987";

(2) in paragraph (4), in the matter before subparagraph (A)—

(A) by inserting after "States" the following: ", is not 62 years of age or older, and is receiving financial assistance on the date of the enactment of the Housing and Community Development Act of 1987"; and

(B) by inserting "or recertification" after "application";

(3) in paragraph (4)(A)(i), by inserting after the comma the following: "or to appeal to the Immigration and Naturalization Service the verification determination of the Immigration and Naturalization Service under paragraph (3),";

(4) in paragraph (4)(B), by striking the matter before clause (i) and inserting the following: 101 STAT. 1862

"(B) if any documents or additional information are submitted as evidence under subparagraph (A), or if appeal is made to the Immigration and Naturalization Service with respect to the verification determination of the Service under paragraph (3)—";

(5) in paragraph (4)(B)(i), by inserting "or additional information" after "documents";

(6) in paragraph (4)(B)(ii), by inserting "or appeal" after "verification";

(7) by inserting after paragraph (5) the following new paragraph:

"(6) For purposes of paragraph (5)(B), the applicable fair hearing process made available with respect to any individual shall include not less than the following procedural protections:

"(A) The Secretary shall provide the individual with written notice of the determination described in paragraph (5) and of the opportunity for a hearing with respect to the determination.

"(B) Upon timely request by the individual, the Secretary shall provide a hearing before an impartial hearing officer designated by the Secretary, at which hearing the individual may produce evidence of a satisfactory immigration status.

"(C) The Secretary shall notify the individual in writing of the decision of the hearing officer on the appeal of the determination in a timely manner.

"(D) Financial assistance may not be denied or terminated until the completion of the hearing process."; and

(8) by striking the last sentence and inserting the following: "For purposes of this subsection, the term 'Secretary' means the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance.".

(d) ENFORCEMENT PROCEDURES.—Section 214(e) of the Housing and Community Development Act of 1980 (as added by section 121(a)(2) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended— Immigration. 42 USC 1436a.

(1) in the matter before paragraph (1), by inserting "of Housing and Urban Development" after "Secretary";

(2) in paragraph (2), by inserting after "(d)(4)(A)(ii)" the following: "(or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603))";

(3) in paragraph (3), by inserting after "(d)(4)(B)(ii)" the following: "(or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603))"; and

(4) in paragraph (4), by inserting after "(d)(5)(B)" the following: "(or provided for under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603))".

(e) VERIFICATION SYSTEM.—Section 214 of the Housing and Community Development Act of 1980 (as amended by section 121(a)(2) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended by adding at the end the following new subsection:

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42 USC 1436a.

State and local governments.

"(f)(1) Notwithstanding any other provision of law, no agency or official of a State or local government shall have any liability for the design or implementation of the Federal verification system described in subsection (d) if the implementation by the State or local agency or official is in accordance with Federal rules and regulations.

"(2) The verification system of the Department of Housing and Urban Development shall not supersede or affect any consent agreement entered into or court decree or court order entered prior to the date of the enactment of the Housing and Community Development Act of 1987.".

(f) REIMBURSEMENT FOR COSTS OF IMPLEMENTATION.—

(1) Section 214 of the Housing and Community Development Act of 1980 (as amended by subsection (e) of this section) is further amended by adding at the end the following new subsection:

Immigration.

"(g) The Secretary of Housing and Urban Development is authorized to pay to each public housing agency or other entity an amount equal to 100 percent of the costs incurred by the public housing agency or other entity in implementing and operating an immigration status verification system under subsection (d) (or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603)).".

(2) The United States Housing Act of 1937 (as amended by section 121(b)(6) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended by striking section 20.

42 USC 1437r.

42 USC 1436a note.

(g) TRANSITIONAL CERTIFICATION AND DOCUMENTATION PROVISIONS.—In carrying out section 214 of the Housing and Community Development Act of 1980 during fiscal year 1988, the Secretary of Housing and Urban Development shall require, as a condition of providing financial assistance for the benefit of any individual, that such individual—

(1) declare in writing, under penalty of perjury, whether or not such individual is a citizen or national of the United States; and

(2) if not a citizen or national—

(A) declare in writing, under penalty of perjury, the immigration status of such individual, if such individual is not less than 62 years of age "and is receiving financial assistance on the date of the enactment of the Housing and Community Development Act of 1987"; or

Immigration.

(B) provide such documentation regarding the immigration status of such individual as the Secretary may require by regulation.

(h) EFFECTIVE DATES.— 42 USC 1436a note.

(1) The provisions of, and amendments made by, subsections (a), (b), (e), (f), and (g) shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (c) and (d) shall take effect on October 1, 1988.

101 STAT. 1864

SEC. 165. PREVENTING FRAUD AND ABUSE IN DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS. 42 USC 3543.

(a) DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBER.—As a condition of initial or continuing eligibility for participation in any program of the Department of Housing and Urban Development involving loans, grants, interest or rental assistance of any kind, or mortgage or loan insurance, and to ensure that the level of benefits provided under such programs is proper, the Secretary of Housing and Urban Development may require that an applicant or participant (including members of the household of an applicant or participant) disclose his or her social security account number or employer identification number to the Secretary. Loans. Grants.

(b) DEFINITIONS.—For purposes of this section, the terms "applicant" and "participant" shall have such meanings as the Secretary of Housing and Urban Development by regulation shall prescribe. Such terms shall not include persons whose involvement is only in their official capacity, such as State or local government officials or officers of lending institutions.

SEC. 166. ANNUAL REPORT ON CHARACTERISTICS OF FAMILIES IN ASSISTED HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall include in the annual report under section 8 of the Housing and Urban Development Act descriptions of the characteristics of families assisted under each of the following programs of assistance: public housing, section 8 of the United States Housing Act of 1937 (other than subsection (o) of such section), section 8(o) of the United States Housing Act of 1937, and section 202 of the Housing Act of 1959. 42 USC 3536 note.

(b) SPECIFIC REQUIREMENTS.—The descriptions required in subsection (a) shall include information with respect to—

(1) family size, including the number of children;

(2) amount and sources of family income;

(3) the age, race, and sex of family members; and

(4) whether the head of the family (or the spouse of such person) is a member of the armed forces.

SEC. 167. SECTION 236 RENTAL HOUSING PROGRAM.

(a) STATE-AIDED PROJECTS.—

(1) Section 236(f)(4) of the National Housing Act is amended by striking "90 per centum" and inserting "100 percent". 12 USC 1715z-1.

(2) Section 101(g) of the Housing and Urban Development Act of 1965 is amended by striking "90 per centum" and inserting "100 percent". 12 USC 1701s.

(b) INSURING AUTHORITY.—Section 236(n) of the National Housing Act is amended by adding at the end the following new sentence: "A mortgage may be insured under this section after the date in the preceding sentence in order to refinance a mortgage insured under this section or to finance pursuant to subsection (j)(3) the purchase, by a cooperative or nonprofit corporation or association, of a project assisted under this section.". 12 USC 1715z-1.

SEC. 168. TENANT ELIGIBILITY DETERMINATIONS IN RENT SUPPLEMENT PROJECTS.

Section 101 of the Housing and Urban Development Act of 1965 is amended—

(1) by striking the second sentence of subsection (e)(1); and

101 STAT. 1865

(2) by striking subsection (k) and inserting the following:

"(k) In selecting individuals or families to be assisted under this section in accordance with the eligibility criteria and procedures established under subsection (e)(1), the project owner shall give preference to individuals or families who are occupying substandard housing, are paying more than 50 percent of family income for rent, or are involuntarily displaced at the time they are seeking housing assistance under this section.".

SEC. 169. COUNSELING TO TENANTS AND HOMEOWNERS.

12 USC 1701x

(a) COUNSELING SERVICES.—Section 106(a)(3) of the Housing and Urban Development Act of 1968 is amended in the first sentence by striking all that follows the semicolon and inserting the following: "except that for each of the fiscal years 1988 and 1989 there are authorized to be appropriated $3,500,000 for such purposes.".

(b) EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106 of the Housing and Urban Development Act of 1968 is amended by inserting at the end the following new subsection:

"(c) GRANTS FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make grants—

"(A) to nonprofit organizations experienced in the provision of homeownership counseling to enable the organizations to provide homeownership counseling to eligible homeowners; and

"(B) to assist in the establishment of nonprofit homeownership counseling organizations.

"(2) PROGRAM REQUIREMENTS.—

"(A) Applications for grants under this subsection shall be submitted in the form, and in accordance with the procedures, that the Secretary requires.

"(B) The homeownership counseling organizations receiving assistance under this subsection shall use the assistance only to provide homeownership counseling to eligible homeowners.

"(C) The homeownership counseling provided by homeownership counseling organizations receiving assistance under this subsection shall include counseling with respect to—

"(i) financial management;

"(ii) available community resources, including public assistance programs, mortgage assistance programs, home repair assistance programs, utility assistance programs, food programs, and social services; and

"(iii) employment training and placement.

"(3) AVAILABILITY OF HOMEOWNERSHIP COUNSELING.—The Secretary shall take any action that is necessary—

"(A) to ensure the availability throughout the United States of homeownership counseling from homeownership counseling organizations receiving assistance under this subsection, with priority to areas that—

"(i) are experiencing high rates of home foreclosure and any other indicators of homeowner distress determined by the Secretary to be appropriate; and

"(ii) are not already adequately served by homeownership counseling organizations; and

101 STAT. 1866

"(B) to inform the public of the availability of the homeownership counseling.

Loans.

"(4) ELIGIBILITY FOR COUNSELING.—A homeowner shall be eligible for homeownership counseling under this subsection if—

"(A) the home loan is secured by property that is the principal residence (as defined by the Secretary) of the homeowner;

"(B) the home loan is not assisted under title V of the Housing Act of 1949; and

"(C) the homeowner is, or is expected to be, unable to make payments, correct a home loan delinquency within a reasonable time, or resume full home loan payments due to a reduction in the income of the homeowner because of—

"(i) an involuntary loss of, or reduction in, the employment of the homeowner, the self-employment of the homeowner, or income from the pursuit of the occupation of the homeowner; or

"(ii) any similar loss or reduction experienced by any person who contributes to the income of the homeowner.

"(5) NOTIFICATION OF AVAILABILITY OF HOMEOWNERSHIP COUNSELING REQUIREMENT.—The creditor of a delinquent home loan shall notify an eligible homeowner of the availability of any homeownership counseling offered by the creditor. As a supplement to the counseling provided by the creditor, the creditor shall notify the homeowner of the availability of 1 of the following: Loans.

"(A) Homeownership counseling provided by nonprofit organizations approved by the Secretary and experienced in the provision of homeownership counseling.

"(B) A list of the nonprofit organizations, approved by the Secretary and experienced in the provision of homeownership counseling, that can be obtained by calling a toll-free telephone number at the Department of Housing and Urban Development.

"(C) Homeownership counseling provided by the Administrator of Veterans' Affairs for loans insured or guaranteed under chapter 37 of title 38, United States Code.

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'creditor' means a person or entity that is servicing a home loan on behalf of itself or another person or entity.

"(B) The term 'eligible homeowner' means a homeowner eligible for counseling under paragraph (4).

"(C) The term 'home loan' means a loan secured by a mortgage or lien on residential property.

"(D) The term 'homeowner' means a person who is obligated under a home loan.

"(E) The term 'residential property' means a 1-family residence, including a 1-family unit in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and a manufactured home and the lot on which the home is situated.

"(7) REGULATIONS.—The Secretary shall issue any regulations that are necessary to carry out this subsection.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $3,500,000 for each of the fiscal years 1988 and 1989. Any amount appropriated under this subsection shall remain available until expended. 101 STAT. 1867

"(9) TERMINATION.—The provisions of this subsection shall not be effective after September 30, 1989.".

SEC. 170. HOUSING ASSISTANCE TECHNICAL AMENDMENTS.

(a) SECTION 235 HOMEOWNERSHIP ASSISTANCE.—Section 235(i)(3)(C) of the National Housing Act is amended by inserting an opening parenthesis before "including". 12 USC 1715z.

(b) RENTAL HOUSING FOR LOWER INCOME FAMILIES.—The last sentence of section 236(i)(1) of the National Housing Act is amended by striking "(h)" and inserting "(f)(4)". 12 USC 1715z-1.

(c) DEFINITION OF DISABILITY.—Section 3(b)(3)(A) of the United States Housing Act of 1937 is amended— 42 USC 1437a.

(1) by striking "or" the first place it appears and inserting a comma; and

(2) by striking "or in section 102 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970" and inserting the following: ", has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7))".

(d) LOWER INCOME HOUSING.—

42 USC 1437d

(1) The first sentence of section 6(a) of the United States Housing Act of 1937 is amended by inserting "The" before "Secretary".

(2) Section 6(c)(4)(A) of the United States Housing Act of 1937 is amended—

(A) by striking "or are paying more than 50 per centum of family income for rent"; and

(B) by inserting ", are paying more than 50 percent of family income for rent," after "substandard housing".

(3) Paragraphs (4) and (5) of section 6(k) of the United States Housing Act of 1937 are amended by striking "his" each place it appears and inserting "their".

42 USC 1437o

(e) HOUSING DEVELOPMENT GRANTS.—Section 17(d)(7)(A) of the United States Housing Act of 1937 is amended by striking "title" and inserting "subsection".

42 USC 1437p

(f) PUBLIC HOUSING DEMOLITION AND DISPOSITION.—Section 18(b) of the United States Housing Act of 1937 is amended in the matter preceding paragraph (1) by inserting "or" after "section".

(g) HOUSING FOR THE ELDERLY AND HANDICAPPED.—

12USC 1701q

(1) The third sentence of section 202(d)(4) of the Housing Act of 1959 is amended by striking "is a developmentally disabled individual as defined in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1950" and inserting the following: "has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7))".

(2) Section 202(f) of the Housing Act of 1959 is amended by striking "section 134" and inserting "section 133".

(3) Section 202(l) of the Housing Act of 1959 is amended by striking "difference" and inserting "different".

12 USC 1701s

(h) RENT SUPPLEMENTS.—Section 101(j)(1)(D) of the Housing and Urban Development Act of 1965 is amended by striking "divided" and inserting "dividend".

101 STAT. 1868

Subtitle C—Multifamily Housing Management and Preservation

SEC. 181. MANAGEMENT AND PRESERVATION OF HUD-OWNED MULTIFAMILY HOUSING PROJECTS.

12 USC 1701z-11

(a) GOALS.—Section 203(a) of the Housing and Community Development Amendments of 1978 is amended by striking "(a)" and all that follows through the semicolon at the end of paragraph (1) and inserting the following:

"(a) The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall manage or dispose of multifamily housing projects that are owned by the Secretary, or that are subject to a mortgage held by the Secretary that is either delinquent, under a workout agreement, or being foreclosed upon by the Secretary, in a manner that is consistent with the National Housing Act and this section and that will, in the least costly fashion among the reasonable alternatives available, further the goals of—

"(1) preserving so that they are available to and affordable by low- and moderate-income persons—

"(A) all units in multifamily housing projects that are subsidized projects or formerly subsidized projects;

"(B) in other multifamily housing projects owned by the

Secretary, at least the units that are occupied by low- and moderate-income persons or vacant; and

"(C) in all other multifamily housing projects, at least the units that are, on the date of assignment, occupied by low- and moderate-income persons;".

(b) MANAGEMENT SERVICES.—Section 203(b)(2) of the Housing and Community Development Amendments of 1978 is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by redesignating clauses (A) through (D) as clauses (i) through (iv), respectively;

(3) by striking ", owned by the Secretary" and inserting the following: "subject to subsection (a) that is owned by the Secretary (or for which the Secretary is mortgagee in possession)";

(4) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new subparagraph:

"(B) to require the owner of a multifamily housing project subject to subsection (a) that is not owned by the Secretary (and for which the Secretary is not mortgagee in possession), to contract for management services for the project in the manner described in subparagraph (A).".

(c) MAINTAINING OF PROJECTS.—Section 203(c) of the Housing and Community Development Amendments of 1978 is amended to read as follows:

"(c)(1) In the case of multifamily housing projects subject to subsection (a) that are owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall—

"(A) to the greatest extent possible, maintain all such occupied projects in a decent, safe, and sanitary condition;

"(B) to the greatest extent possible, maintain full occupancy in all such projects; and

"(C) maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible period. 101 STAT. 1869

"(2) In the case of any multifamily housing project subject to subsection (a) that is not owned by the Secretary (and for which the Secretary is not mortgagee in possession), the Secretary shall require the owner of the project to carry out the requirements of paragraph (1).".

(d) FINANCIAL ASSISTANCE.—Section 203 of the Housing and Community Development Amendments of 1978 is amended— 12 USC 1701z-11.

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) In carrying out the goals specified in subsection (a)(1) the Secretary shall take not less than one of the following actions:

"(1) Enter into contracts under section 8 of the United States Housing Act of 1937, to the extent budget authority is available for such section 8, with owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary. Such contracts shall provide assistance to the project involved for a period of not less than 15 years. Such contracts shall be sufficient to assist all units in subsidized or formerly subsidized projects, and all units in other projects that are occupied by lower income families eligible for assistance under such section 8 at the time of foreclosure or sale, as the case may be, and all units that are vacant at such time (which units shall be made available for such families as soon as possible). In order to make available to families any units in subsidized or formerly subsidized projects that are occupied by persons not eligible for assistance under such section 8, but that subsequently become vacant, the contract shall also provide that when any such vacancy occurs the owner involved shall lease the available unit to a family eligible for assistance under such section 8. The Secretary shall provide such contracts at contract rents that, consistent with subsection (a), provide for the rehabilitation of such project and do not Contracts. Federal Register, publication.

exceed the most recently adjusted fair market rents for substantially rehabilitated units published by the Secretary in the Federal Register.

"(2) In accordance with the authority provided under the National Housing Act, provide purchase-money mortgages, reduce the selling price, or provide other financial assistance to the owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure, or after sale by the Secretary, on terms that will ensure that, for a period of not less than 15 years (A) the project will remain available to and affordable by low- and moderate-income persons; and (B) such persons shall pay not more than the amount payable as rent under section 3(a) of the United States Housing Act of 1937.".

(e) RIGHT OF FIRST REFUSAL.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by redesignating subsections (e) through (h) (as so redesignated by this section) as subsections (f) through (i); and

(2) by inserting before such subsection (f) the following new subsection:

State and local governments.
101 STAT. 1870

"(e) Upon receipt of a bona fide offer to purchase a project subject to subsection (a), the Secretary shall notify the local government and the State housing finance agency (or other agency or agencies designated by the Governor) of the proposed terms and conditions of the offer, including the assistance that the Secretary plans to make available to the prospective purchaser. The local government and the designated State agency shall have 90 days to match the offer and purchase the project. In administering the right of first refusal provided in this subsection, the Secretary shall offer assistance to the local government or designated State agency on terms and conditions at least as favorable as made available to the prospective purchaser. Notwithstanding any other provision of law to the contrary, a local government (including a public housing agency) or designated State agency may purchase a subsidized project or formerly subsidized project in accordance with this subsection.".

(f) DISPLACEMENT PROTECTION.—Section 203(f)(1) of the Housing and Community Development Amendments of 1978 (as so redesignated by this section) is amended— 12 USC 1701z-11.

(1) by striking "owned by the Secretary" and inserting the following: "subject to subsection (a) that is owned by the Secretary (or for which the Secretary is mortgagee in possession)"; and

(2) by adding at the end the following new sentence: "In the case of a multifamily housing project subject to subsection (a) that is not owned by the Secretary (and for which the Secretary is not mortgagee in possession), the Secretary shall require the owner of the project to carry out the requirements of this paragraph.".

(g) LIMITATIONS ON CERTAIN PROJECT, LOAN, AND MORTGAGE SALES.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by redesignating subsections (h) and (i) (as so redesignated by this section) as subsections (i) and (j); and

(2) by inserting before such subsection (i) the following new subsection:

"(h)(1) The Secretary may not approve the sale of any loan or mortgage held by the Secretary (including any loan or mortgage owned by the Government National Mortgage Association) on any subsidized project or formerly subsidized project unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of such loan or mortgage in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the assignment of the loan or mortgage on such project to the Secretary.

"(2) The Secretary may not approve the sale of any subsidized project (A) that is subject to a mortgage held by the Secretary; or (B) if the sale transaction involves the provision of any additional subsidy funds by the Secretary or a recasting of the mortgage, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of the loan or mortgage in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed sale of the project.

"(3) Notwithstanding any provision of law that may require competitive sales or bidding, the Secretary may carry out negotiated sales of subsidized or formerly subsidized mortgages held by the Secretary, without the competitive selection of purchasers or intermediaries, to agencies of State or local government, or groups of investors that include at least 1 such agency of State or local government, if the negotiations are conducted with such agencies, except that—

State and local governments.

101 STAT. 1871

"(A) the terms of any such sale shall include the agreement of the purchasing agency or agencies of State or local government to act as mortgagee or owner of a beneficial interest in such mortgages in a manner consistent with maintaining the projects that are subject to such mortgages for occupancy by the general tenant group intended to be served by the applicable mortgage insurance program, including, to the extent the Secretary determines appropriate, authorizing such agency of State or local government to enforce the provisions of any regulatory agreement or other program requirements applicable to the related projects; and

"(B) the sales prices for such mortgages shall be, in the determination of the Secretary, the best price that may be obtained for such mortgages from an agency of State or local government, consistent with the expectation and intention that the projects financed will be retained for use under the applicable mortgage insurance program for the life of the initial mortgage insurance contract.".

(h) DEFINITIONS.—Section 203(i) of the Housing and Community Development Amendments of 1978 (as so redesignated by this section) is amended—

12 USC 1701z-11.

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) For the purpose of this section, the term 'subsidized project' means a multifamily housing project receiving any of the following assistance immediately prior to the assignment of the mortgage on such project to, or the acquisition of such mortgage by, the Secretary:

"(A) below market interest rate mortgage insurance under the proviso of section 221(d)(5) of the National Housing Act;

"(B) interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act;

"(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

"(D) direct loans at below market interest rates, made under section 202 of the Housing Act of 1959 or to a multifamily housing project under section 312 of the Housing Act of 1964; or

"(E) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975) or section 8 of the United States Housing Act of 1937 (other than subsection (b)(1) of such section), without regard to whether such payments are made to all or a portion of the units in the project.

"(3) For the purpose of this section, the term 'formerly subsidized project' means a multifamily housing project owned by the Secretary that was a subsidized project immediately prior to its acquisition by the Secretary.".

SEC. 182. ACQUISITION OF INSURED MULTIFAMILY HOUSING PROJECTS.

12 USC 1713 note

Section 207(k) of the National Housing Act is amended by inserting after the second sentence the following new sentence: "In determining the amount to be bid, the Secretary shall act consistently with the goal established in section 203(a)(1) of the Housing and Community Development Amendments of 1978."

101 STAT. 1872

SEC. 183. TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS.

12 USC 1715z-1b

(a) APPLICABILITY.—Section 202(a) of the Housing and Community Development Amendments of 1978 is amended by inserting before the period at the end the following: "or section 202 of the Housing Act of 1959".

(b) NOTICE AND COMMENT.—Section 202(b)(1) of the Housing and Community Development Amendments of 1978 is amended by striking "and the Secretary deems it appropriate" and inserting the following: "or where the Secretary proposes to sell a mortgage secured by a multifamily housing project".

Contracts. 42 USC 1437f note

(c) NONDISCRIMINATION AGAINST SECTION 8 CERTIFICATE HOLDERS AND VOUCHER HOLDERS.—No owner of a subsidized project (as defined in section 203(i)(2) of the Housing and Community Development Amendments of 1978, as amended by section 181(h) of this Act) shall refuse—

(1) to lease any available dwelling unit in any such project of such owner that rents for an amount not greater than the fair market rent for a comparable unit, as determined by the Secretary under section 8 of the United States Housing Act of 1937, to a holder of a certificate of eligibility under such section, a proximate cause of which is the status of such prospective tenant as a holder of such certificate, and to enter into a housing assistance payments contract respecting such unit; or

(2) to lease any available dwelling unit in any such project of such owner to a holder of a voucher under section 8(o) of such Act, and to enter into a voucher contract respecting such unit, a proximate cause of which is the status of such prospective tenant as holder of such voucher.

SEC. 184. MULTIFAMILY HOUSING DISPOSITION PARTNERSHIP.

State and local governments. 12 USC 1701z-11 note

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") shall carry out a program to demonstrate the effectiveness of disposing of distressed multifamily housing projects owned by the Department of Housing and Urban Development through a partnership with State housing finance agencies. The demonstration program may be carried out with not more than 4 State housing finance agencies and shall be designed to determine the feasibility of entering into similar relationships with other State housing finance agencies.

(b) REQUIREMENTS OF DEMONSTRATION PROGRAM.—

(1) OPPORTUNITY TO PARTICIPATE IN SALE.—Not less than 30 days before offering to sell any multifamily housing project that is located in a State participating in the demonstration program and that is subject to section 204 of the Housing and Community Development Amendments of 1978, the Secretary shall—

(A) notify the State housing finance agency of the plan of the Secretary to sell the project; and

(B) provide the State housing finance agency with the option to provide the long-term financing for the sale of the project through the co-insurance program of the Secretary, if the project complies with the State laws applicable to the State housing finance agency.

101 STAT. 1873

Loans.

(2) TERMS OF PARTICIPATION.—If the State housing finance agency agrees to participate in the sale of a project under this section, the terms of the sale shall be as follows:

(A) The State housing finance agency shall provide a loan to the purchaser of the property.

(B) The mortgage securing the loan shall be insured by the Secretary and the State housing finance agency under

paragraph (3) or (4) of section 221(d) of the National Housing Act.

(C) The terms and conditions of the loan shall be consistent with the terms and conditions of the sale.

(3) COOPERATIVE AGREEMENT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary shall enter into cooperative agreements with State housing finance agencies to carry out the demonstration program under this section.

(c) TERMINATION OF DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), the demonstration program under this section shall terminate upon the expiration of the 3-year period beginning on the date of the enactment of this Act.

(2) CONTINUATION OF PROGRAM.—

(A) The Secretary may continue the demonstration program under this section after the termination date established in paragraph (1) for such additional period as the Secretary determines to be appropriate.

(B) The Secretary shall continue the demonstration program under this section with respect to any project for which the Secretary notifies the State housing finance agency under subsection (b)(1)(A) before the termination date established in paragraph (1) or under subparagraph (A).

(d) REPORT TO CONGRESS.—Not later than 6 months after the termination date established in subsection (c)(1), the Secretary shall submit to the Congress a report evaluating the effectiveness of the demonstration program under this section as a national model for the disposition of distressed multifamily housing projects owned by the Department of Housing and Urban Development.

SEC. 185. MULTIFAMILY HOUSING CAPITAL IMPROVEMENTS ASSISTANCE.

(a) PURPOSE.—Section 201(a) of the Housing and Community Development Amendments of 1978 is amended by inserting after "management," the following: "to permit capital improvements to be made to maintain certain projects as decent, safe, and sanitary housing,". 12 USC 1715z-1a

(b) ELIGIBILITY.—Section 201(c)(1)(B) of the Housing and Community Development Amendments of 1978 is amended by inserting after "is assisted under" the following: "section 23 of the United States Housing Act of 1937, as in effect immediately before January 1, 1975,".

(c) BORROWER REQUIREMENTS.—Section 201(d) of the Housing and Community Development Amendments of 1978 is amended—

(1) in paragraph (1), by inserting "or physical" after "maintain the financial"; and

(2) in paragraph (6), by striking the final period, and inserting the following: "; except that the Secretary may excuse an owner from compliance with the plan requirement set forth in this paragraph in any case in which such owner seeks only assistance for capital improvements under this section.". 101 STAT. 1874

(d) AMOUNT AND CONDITIONS OF ASSISTANCE.—Section 201(f) of the Housing and Community Development Amendments of 1978 is amended— 12 USC 1715z-1a.

(1) in paragraph (1), by inserting after "to any project" in the matter preceding subparagraph (A) the following: "(except a project assisted only for capital improvements)"; and

(2) in paragraph (4), by inserting after "for any year" the following: "for a project (other than a project receiving assistance only for capital improvements)".

(e) REGULATIONS.—Section 201(g) of the Housing and Community Development Amendments of 1978 is amended by inserting before the period at the end the following: ", to the extent applicable.".

(f) FLEXIBLE SUBSIDY FUND.—Section 201(j) of the Housing and Community Development Amendments of 1978 is amended to read as follows:

"(j)(1) For purposes of carrying out the provisions of this section, there is hereby established in the Treasury of the United States a revolving fund, to be known as the Flexible Subsidy Fund. The Fund shall, to the extent approved in appropriation Acts, be available to the Secretary to provide assistance under this section (including assistance for capital improvements).

"(2) The Fund shall consist of (A) any amount appropriated to carry out the purposes of this section; (B) any amount repaid on any assistance provided under this section; (C) any amounts credited to the reserve fund described in section 236(g) of the National Housing Act; and (D) any other amount received by the Secretary under this section (including any amount realized under paragraph (3)).

"(3) Any amounts in the Fund determined by the Secretary to be in excess of the amounts currently required to carry out the provisions of this section shall be invested by the Secretary in obligations of, or obligations guaranteed as to both principal and interest by, the United States or any agency of the United States.

"(4) The Secretary may use not more than $50,000,000 from the Fund in any fiscal year for purposes of providing assistance for capital improvements in accordance with this section.".

(g) ASSISTANCE FOR CAPITAL IMPROVEMENTS.—Section 201 of the Housing and Community Development Amendments of 1978 is amended by adding at the end the following new subsections:

"(k)(1) Assistance for capital improvements under this section shall include assistance for any major repair or replacement of a capital item in a multifamily housing project, including any such repair or replacement required as a result of deferred or inadequate maintenance. Capital improvements do not include maintenance of any such item. Assistance for capital improvements under this section shall be in the form of a loan.

Loans

"(2) The owner of a project receiving assistance for capital improvements shall agree to contribute assistance to such project in such amounts, from such sources, and in such manner as the Secretary determines to be appropriate, except that—

"(A) such contribution shall not be less than 20 percent of the total estimated cost of the capital improvements involved, unless the Secretary, upon application of the owner, determines that such contribution is financially infeasible and waives or reduces such contribution to the extent necessary;

101 STAT. 1875

"(B) the Secretary may not require an amount to be contributed, from the reserve funds established by the owner of such projects for the purpose of making capital improvements, in excess of 50 percent of the amount of such reserve funds on the date of such loan; and

"(C) The Secretary shall waive the requirements of this paragraph if such owner is a private nonprofit corporation or an association.

"(3) The Secretary may provide assistance for capital improvements under this section if the Secretary finds that the reserve funds established by the owner of a project for the purpose of making capital improvements are insufficient to finance both the capital improvements for which such assistance is to be used and other capital improvements that are reasonably expected to be required in the near future, and such insufficiency is not the result of the failure of such owner to comply with any standard established by the Secretary for management of such reserve funds.

"(4) In providing, and contracting to provide, assistance for capital improvements under this section, the Secretary shall—

"(A) give priority to projects that are eligible for incentives under section 224(b) of the Emergency Low Income Housing Preservation Act of 1987; and

"(B) with respect to any amounts not required for projects under subparagraph (A), give priority among other projects based on the extent to which—

"(i) the capital improvements for which such assistance is requested are immediately required;

"(ii) the projects serve as the residences of lower income families, and the extent which other suitable housing is unavailable for such families in the areas in which such projects are located;

"(iii) the capital improvements for which such assistance is requested involve the life, safety, or health of the residents of the project or involve major capital improvements in the projects; and

Safety.
Health and medical care.

"(iv) the projects demonstrate the greatest financial distress, while continuing to meet the requirements of subsection (d)(1).

"(l)(1) The principal amount of any assistance for capital improvements under this section that is provided to the owner of a project shall not exceed the difference between the contribution made by the owner in accordance with subsection (k)(2) and the sum of—

"(A) the amount determined by the Secretary to be necessary for such owner to make capital improvements with respect to capital items that have failed, or are likely to deteriorate seriously or fail in the near future, in such projects;

"(B) the amount determined by the Secretary to be necessary to carry out a plan to upgrade the capital items being improved, and any other capital items determined by the Secretary to be associated with such capital items being improved and to require upgrading, to meet cost-effective energy efficiency standards prescribed by the Secretary; and

Energy.

"(C) the amount determined by the Secretary to be necessary to comply with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2)(A) The term of any assistance for capital improvements in the form of a loan under this section shall not exceed the remaining term of the mortgage of the project with respect to which such loan is provided.

Loans.

"(B) Each loan for capital improvements provided under this section shall bear interest at a rate determined by the Secretary to be appropriate, except that—

"(i) such rate shall not be more than 3 percentage points below a rate determined by the Secretary of the Treasury taking into consideration the average interest rate on all interest bearing obligations of the United States then forming a part of the public debt, computed at the end of the fiscal year next preceding date on which the loan is made, adjusted to the nearest 1/8 of 1 percent, plus an allowance adequate in the judgment of the Secretary of Housing and Urban Development to cover administrative costs and probable losses under the program; and

"(ii) such interest rate plus such allowance shall not exceed 6 percent per annum nor be less than 3 percent per annum.

"(C) Each loan for capital improvements provided under this section shall be considered to be a liability of the project involved, and shall not be dischargeable in any bankruptcy proceeding under section 727, 1141, or 1328(b) of title 11, United States Code.

"(D) The Secretary may establish such additional conditions on loans provided under this section as the Secretary determines to be appropriate.

"(E) The Secretary may provide more than one loan or assistance in any other form to any project under this section, if each loan or other assistance complies with the provisions of this section.

"(m)(1) Increases in rental payments that may occur as a result of the debt service and other expenses of a loan for capital improvements provided under this section for a project subject to a plan of action approved under subtitle B of the Emergency Low Income Housing Preservation Act of 1987 shall be governed by the rent agreements entered into under such subtitle.

Loans.

"(2) In order to minimize any increases in rental payments that may occur as a result of the debt service and other expenses of a loan for capital improvements provided under this section for a

project not subject to paragraph (1) and that would be incurred by lower income residents of the project involved whose rental payments are, or would as a result of such expenses be, in excess of the amount allowable if section 3(a) of the United States Housing Act of 1937 were applicable to such residents, the Secretary may take any or all of the following actions:

"(A) Provide assistance with respect to such project under section 8(b)(1) of the United States Housing Act of 1937, to the extent amounts are available for such assistance and without regard to section 16 of such Act.

"(B) Reduce the rate of interest charged on such loan to a rate of not less than 1 percent.

"(C) Increase the term of such loan to a term that does not exceed the remaining term of the mortgage on such project.

"(D) Increase the amount of assistance to be provided by the owner of such project under subsection (k)(2), if applicable, to an amount not to exceed 30 percent of the total estimated cost of the capital improvements involved.".

101 STAT. 1877

(h) CONFORMING AMENDMENT.—The section heading for section 201 of the Housing and Community Development Amendments of 1978 is amended by striking "OPERATING".

12 USC 1715z-1a

SEC. 186. FLEXIBLE SUBSIDY PROGRAM.

12 USC 1715z-1

(a) USE OF SECTION 236 EXCESS RENTAL CHARGES.—Section 236(f)(3) of the National Housing Act is amended by striking "September 30, 1985" and inserting "September 30, 1989".

(b) ASSISTANCE FOR CERTAIN HOUSING PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—

(1) Section 201(a) of the Housing and Community Development Amendments of 1978 is amended by inserting "the Housing Act of 1959," after "1937,".

(2) Section 201(c)(1)(A) of the Housing and Community Development Amendments of 1978 is amended by inserting before the semicolon at the end the following: ", or received a loan under section 202 of the Housing Act of 1959 more than 15 years before the date on which assistance is made available under this section".

Emergency Low Income Housing Preservation Act of 1987.

TITLE II—PRESERVATION OF LOW INCOME HOUSING

Subtitle A—General Provisions

12 USC 1715l note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Low Income Housing Preservation Act of 1987".

12 USC 1715l note.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in the next 15 years, more than 330,000 low income housing units insured or assisted under sections 221(d)(3) and 236 of the National Housing Act could be lost as a result of the termination of low income affordability restrictions;

(2) in the next decade, more than 465,000 low income housing units produced with assistance under section 8 of the United States Housing Act of 1937 could be lost as a result of the expiration of the rental assistance contracts;

(3) some 150,000 units of rural low income housing financed under section 515 of the Housing Act of 1949 are threatened with loss as a result of the prepayment of mortgages by owners;

(4) the loss of this privately owned and federally assisted housing, which would occur in a period of sharply rising rents on unassisted housing and extremely low production of addi-

tional low rent housing, would inflict unacceptable harm on current tenants and would precipitate a grave national crisis in the supply of low income housing that was neither anticipated nor intended when contracts for these units were entered into;

(5) the loss of this affordable housing, to encourage the production of which the public has provided substantial benefits over past years, would irreparably damage hard-won progress toward such important and long-established national objectives as— 101 STAT. 1878

(A) providing a more adequate supply of decent, safe, and sanitary housing that is affordable to low income Americans;

(B) increasing the supply of housing affordable to low income Americans that is accessible to employment opportunities; and

(C) expanding housing opportunities for all Americans, particularly members of disadvantaged minorities;

(6) the provision of an adequate supply of low income housing has depended and will continue to depend upon a strong, long-term partnership between the public and private sectors that accommodates a fair return on investment;

(7) recent reductions in Federal housing assistance and tax benefits related to low income housing have increased the incentives for private industry to withdraw from the production and management of low income housing;

(8) efforts to retain this housing must take account of specific financial and market conditions that differ markedly from project to project;

(9) a major review of alternative responses to this threatened loss of affordable housing is now being undertaken by numerous private sector task forces as well as State and local organizations; and

(10) until the Congress can act on recommendations that will emerge from this review, interim measures are needed to avoid the irreplaceable loss of low income housing and irrevocable displacement of current tenants.

(b) PURPOSE.—It is the purpose of this title—

(1) to preserve and retain to the maximum extent practicable as housing affordable to low income families or persons those privately owned dwelling units that were produced for such purpose with Federal assistance;

(2) to minimize the involuntary displacement of tenants currently residing in such housing; and

(3) to continue the partnership between all levels of government and the private sector in the production and operation of housing that is affordable to low income Americans.

SEC. 203. TERMINATION OF CERTAIN PROVISIONS. 12 USC 1715*l* note.

(a) IN GENERAL.—Effective upon the expiration of the 2-year period beginning on the date of the enactment of this Act—

(1) subtitles B and D are repealed; and

(2) each provision of law amended by subtitle B or D is amended to read as it would without such amendment.

(b) SAVINGS PROVISION.—The repeal or amendment of any provision under subsection (a) shall have no effect on any action taken or authorized under the provision prior to such repeal or amendment.

Subtitle B—Prepayment of Mortgages Insured Under National Housing Act

SEC. 221. GENERAL PREPAYMENT LIMITATION. 12 USC 1715*l* note.

(a) PRIOR APPROVAL OF PLAN OF ACTION.—An owner of eligible low income housing may prepay, and a mortgagee may accept prepayment of, a mortgage on such housing only in accordance with a plan

101 STAT. 1879

of action approved by the Secretary of Housing and Urban Development under this subtitle.

(b) ALTERNATIVE PREPAYMENT MORATORIUM.—In the event any court of the United States or any State invalidates the requirements established in this subtitle, an owner of eligible low income housing located in the geographic area subject to the jurisdiction of such court may not prepay, and a mortgagee may not accept prepayment of, a mortgage on such housing during the 2-year period following the date of such invalidation.

12 USC 1715*l* note

SEC. 222. NOTICE OF INTENT.

An owner of eligible low income housing seeking to initiate prepayment or other changes in the status or terms of the mortgage or regulatory agreement shall file with the Secretary a notice of the intent of the owner in such form and manner as the Secretary shall prescribe. The owner shall simultaneously file the notice or intent with any appropriate State or local government agency for the jurisdiction within which the housing is located.

State and local governments.

12 USC 1715*l* note

SEC. 223. PLAN OF ACTION.

(a) PREPARATION AND SUBMISSION.—Upon receipt of a notice of intent, the Secretary shall provide the owner with such information as the owner needs to prepare a plan of action, which information shall include a description of the Federal incentives authorized under this title. The owner shall submit the plan of action to the Secretary in such form and manner as the Secretary shall prescribe. The owner may simultaneously submit the plan of action to any appropriate State or local government agency for the jurisdiction within which the housing is located, which agency shall, in reviewing the plan, consult with representatives of the tenants of the housing.

State and local governments.

(b) CONTENTS.—The plan of action shall include—

(1) a description of any proposed changes in the status or terms of the mortgage or regulatory agreement, which may include a request for incentives to extend the low income use of the housing;

(2) a description of any assistance that could be provided by State or local government agencies, as determined by prior consultation between the owner and any appropriate State or local agencies;

(3) a description of any proposed changes in the low income affordability restrictions;

(4) a description of any change in ownership that is related to prepayment;

(5) an assessment of the effect of the proposed changes on existing tenants;

(6) a statement of the effect of the proposed changes on the supply of housing affordable to lower and very low income families or persons in the community within which the housing is located and in the area that the housing could reasonably be expected to serve; and

(7) any other information that the Secretary determines is necessary to achieve the purposes of this title.

(c) REVISIONS.—The owner may from time to time revise and amend the plan of action as may be necessary to obtain approval of the plan under this subtitle.

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12 USC 1715*l* note

SEC. 224. INCENTIVES TO EXTEND LOW INCOME USE.

(a) AGREEMENTS BY SECRETARY.—After receiving a plan of action from an owner of eligible low income housing, the Secretary may enter into such agreements as are necessary to satisfy the criteria for approval under section 225.

(b) PERMISSIBLE INCENTIVES.—Such agreements may include one or more of the following incentives that the Secretary, after taking

into account local market conditions, determines to be necessary to achieve the purposes of this title:

(1) An increase in the allowable distribution or other measures to increase the rate of return on investment.

(2) Revisions to the method of calculating equity.

(3) Increased access to residual receipts accounts or excess replacement reserves.

(4) Provision of insurance for a second mortgage under section 241(f) of the National Housing Act.

(5) An increase in the rents permitted under an existing contract under section 8 of the United States Housing Act of 1937, or (subject to the availability of amounts provided in appropriation Acts) additional assistance under such section 8 or an extension of any project-based assistance attached to the housing.

(6) Financing of capital improvements under section 201 of the Housing and Community Development Amendments of 1978.

(7) Other actions, authorized in other provisions of law, to facilitate a transfer or sale of the project to a qualified nonprofit organization, limited equity tenant cooperative, public agency, or other entity acceptable to the Secretary.

(8) Other incentives authorized in law.

SEC. 225. CRITERIA FOR APPROVAL OF PLAN OF ACTION. 12 USC 1715l note

(a) PLAN OF ACTION INVOLVING TERMINATION OF LOW INCOME AFFORDABILITY RESTRICTIONS.—The Secretary may approve a plan of action that involves termination of the low income affordability restrictions only upon a written finding that—

(1) implementation of the plan of action will not materially increase economic hardship for current tenants or involuntarily displace current tenants (except for good cause) where comparable and affordable housing is not readily available; and

(2)(A) the supply of vacant, comparable housing is sufficient to ensure that such prepayment will not materially affect— Safety. Health and medical care.

(i) the availability of decent, safe, and sanitary housing affordable to lower income and very low-income families or persons in the area that the housing could reasonably be expected to serve;

(ii) the ability of lower income and very low-income families or persons to find affordable, decent, safe, and sanitary housing near employment opportunities; or

(iii) the housing opportunities of minorities in the community within which the housing is located; or Minorities.

(B) the plan has been approved by the appropriate State agency and any appropriate local government agency for the jurisdiction within which the housing is located as being in accordance with a State strategy approved by the Secretary under section 226. State and local governments.

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(b) PLAN OF ACTION INCLUDING INCENTIVES.—The Secretary may approve a plan of action that includes incentives only upon finding that—

(1) the package of incentives is necessary to provide a fair return on the investment of the owner;

(2) due diligence has been given to ensuring that the package of incentives is, for the Federal Government, the least costly alternative that is consistent with the full achievement of the purposes of this title; and

(3) binding commitments have been made to ensure that—

(A) the housing will be retained as housing affordable for very low-income families or persons, lower income families or persons, and moderate income families or persons for the remaining term of the mortgage;

(B) throughout such period, adequate expenditures will be made for maintenance and operation of the housing;

(C) current tenants shall not be involuntarily displaced (except for good cause);

(D) any increase in rent contributions for current tenants shall be to a level that does not exceed 30 percent of the adjusted income of the tenant or the fair market rent for comparable housing under section 8(b) of the United States Housing Act of 1937, whichever is lower;

(E)(i) any resulting increase in rents for current tenants (except for increases made necessary by increased operating costs)—

(I) shall be phased in equally over a period of not less than 3 years, if such increase is 30 percent or more; and

(II) shall be limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent; and

(ii) assistance under section 8 of the United States Housing Act of 1937 shall be provided if necessary to mitigate any adverse affect on current income eligible tenants; and

(F)(i) rents for units becoming available to new tenants shall be at levels approved by the Secretary that will ensure, to the extent practicable, that the units will be available and affordable to the same proportions of very low-income families or persons, lower income families or persons, and moderate income families or persons (including families or persons whose incomes are 95 percent or more of area median income) as resided in the housing as of January 1, 1987; and

(ii) in approving rents under this paragraph, the Secretary shall take into account any additional incentives provided under this subtitle and shall make provision for such annual rent adjustments as may be made necessary by future reasonable increases in operating costs.

12 USC 1715*l* note.

SEC. 226. ALTERNATIVE STATE STRATEGY.

(a) CRITERIA FOR APPROVAL.—The Secretary may approve a State strategy for purposes of section 225(a) only upon finding that it is a practicable statewide strategy that ensures at a minimum that—

(1) current tenants will not be involuntarily displaced (except for good cause);

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Minorities.

(2) housing opportunities for minorities will not be adversely affected in the communities within which the housing is located;

(3) any increase in rent for current tenants shall be to a level that does not exceed 30 percent of the adjusted income of the tenants or the fair market rent for comparable housing under section 8(b) of the United States Housing Act of 1937, whichever is lower, except that any increase not necessitated by increased operating costs shall be phased in equally over not less than 3 years if such increase exceeds 10 percent;

(4) housing approved under the State strategy will remain affordable to very low-income, lower income or moderate income families and persons for not less than the remaining term of the original mortgage, if the housing is to be made available for rental, or for not less than 40 years, if the housing is to be made available for homeownership;

(5)(A) not less than 80 of all units in eligible low income housing approved under the State strategy shall be retained as affordable to families or persons meeting the income eligibility standards for initial occupancy that applies to the housing on January 1, 1987; and

(B) not less than 60 percent of the units in any one project shall remain available and affordable to such families or persons, within which not less than 20 percent of the units shall remain available and affordable to very low income families or

persons as determined by the Secretary with adjustments for smaller and larger families;

(6) expenditures for rehabilitation, maintenance and operation shall be at a level necessary to maintain the housing as decent, safe and sanitary for the period specified in paragraph (4);

(7) not less than 25 percent of new assistance required to maintain low income affordability in accordance with this section shall be provided through State and local actions, such as tax exempt financing, low-income tax credits, State or local tax concessions, and other incentives provided by the State or local governments; and

(8) for each unit of eligible low income housing approved under the State strategy that is not retained as affordable to families or persons meeting the income eligibility standards for initial occupancy on January 1, 1987, the State will provide with State funds 1 additional unit of comparable housing in the same market area that is available and affordable to such families or persons, and such units or funds shall be made available before the Secretary approves the State strategy.

(b) ADDITIONAL REQUIREMENTS.—

(1) The Secretary may not approve a State strategy until the State has entered into all of the agreements necessary to carry out the strategy.

(2) Each State strategy shall include any other provision that the Secretary determines to be necessary to implement an approved State strategy.

(c) IMPLEMENTATION AGREEMENTS.—The Secretary may enter into such agreements as are necessary to implement an approved State strategy, which agreements may include incentives that are authorized in other provisions of this subtitle.

101 STAT. 1883

SEC. 227. TIMETABLE FOR APPROVAL OF PLAN OF ACTION

12 USC 1715*l* note.

(a) NOTIFICATION OF DEFICIENCIES.—Not later than 60 days after receipt of a plan of action, the Secretary shall notify the owner in writing of any deficiencies that prevent the plan of action from being approved. If deficiencies are found, such notice shall describe alternative ways in which the plan could be revised to meet the criteria for approval

(b) NOTIFICATION OF APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after receipt of a plan of action, or such longer period as the owner requests, the Secretary shall notify the owner in writing whether the plan of action, including any revisions, is approved. If approval is withheld, the notice shall describe—

(A) the reasons for withholding approval, and

(B) the actions that could be taken to meet the criteria for approval.

(2) OPPORTUNITY TO REVISE.—The Secretary shall subsequently give the owner a reasonable opportunity to revise the plan of action and seek approval.

SEC. 228. MODIFICATION OF EXISTING REGULATORY AGREEMENTS.

12 USC 1715*l* note.

(a) IN GENERAL.—If a plan of action cannot be approved within 300 days after a plan of action is submitted, the Secretary may, upon the request of the owner, modify existing regulatory agreements to—

(1) prevent involuntary displacement of current tenants (except for good cause);

(2) ensure that adequate expenditures will be made for maintenance and operation of the housing;

(3) extend any expiring project-based assistance on the housing for the term of the agreement;

(4) permit an increase in the allowable distribution that could be accommodated by a rise in rents on occupied units to rise to a

level no higher than 30 percent of the adjusted income of the current tenants, as determined by the Secretary, except that rents shall not exceed the fair market rent for comparable housing under section 8(b) of the United States Housing Act of 1937 and any resulting increase in rents for current tenants shall be phased in equally over a period of no less than 3 years unless such increase is less than 10 percent; and

(5) ensure that units becoming vacant during the term of the agreement are made available in accordance with section 225(b)(6).

(b) EXPIRATION.—Agreements entered into under this section shall expire upon the expiration of the 4-year period beginning on the date of the enactment of this Act. Upon the expiration of the agreements, the housing covered by the agreements shall be subject to any law then affecting low income affordability restrictions.

State and local governments.
12 USC 1715*l* note.

SEC. 229. CONSULTATIONS WITH OTHER INTERESTED PARTIES.

The Secretary shall confer with any appropriate State or local government agency to confirm any State or local assistance that is available to achieve the purposes of this title and shall give consideration to the views of any such agency when making determinations under section 225. The Secretary shall also confer with appropriate

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interested parties that the Secretary believes could assist in the development of a plan of action that best achieves the purposes of this title.

12 USC 1715*l* note.

SEC. 230. RIGHT OF CONVERSION TO ALTERNATIVE PREPAYMENT SYSTEM.

Any agreement to extend low income affordability restrictions under section 225(b) shall, for 4 years from the date of the enactment of this Act, provide the owner the right to convert to any system of incentives and restrictions provided in law during such period, with such adjustments as the Secretary determines are appropriate to compensate for the value of any benefits the owner had received under this title.

SEC. 231. INSURANCE FOR SECOND MORTGAGE FINANCING.

Loans.
12 USC 1715z-6.

Section 241 of the National Housing Act is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this section, the Secretary may, upon such terms and conditions as the Secretary may prescribe, make a commitment to insure and insure equity loans made by financial institutions approved by the Secretary. For purposes of this section, the term 'equity loan' means a loan or advance of credit to the owner of eligible low income housing (as defined in section 233 of the Emergency Low Income Housing Preservation Act of 1987) that is made for the purpose of implementing a plan of action approved under such Act.

"(2) To be eligible for insurance under this subsection, an equity loan shall—

"(A) be limited to an amount equal to 90 percent of the value of the equity in the project, as determined by the Secretary, and the Secretary, in making the determination, shall take into account that rental income for the project may rise within limits established by section 225(b) of the Emergency Low Income Housing Preservation Act of 1987;

"(B) have a maturity and provisions for amortization satisfactory to the Secretary, bear interest at such rate as may be agreed upon by the mortgagor and mortgagee, and be secured in such manner as the Secretary may require; and

"(C) contain such other terms, conditions, and restrictions as the Secretary may prescribe, including phased advances of equity loan proceeds to reflect project rent levels.

"(3) A qualified nonprofit organization or limited equity tenant cooperative corporation, when purchasing an otherwise eligible

project, may constitute an owner of eligible low income housing for purposes of receiving a loan insured under this subsection.

"(4) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 shall be applicable to loans insured under this section, except that—

"(A) all references to the term 'mortgage' shall be construed to refer to the term 'loan' as used in this subsection;

"(B) loans involving projects covered by a mortgage insured under section 236 shall be insured under and shall be the obligation of the Special Risk Insurance Fund; and

"(C) with respect to any sale under foreclosure of a mortgage on the project that is senior to the equity loan insured under this subsection and when the equity loan is secured by a mortgage, the Secretary may— 101 STAT. 1885

"(i) issue regulations providing that, in order to receive insurance benefits, the insured mortgagee shall either assign the equity loan to the Secretary or bid the amount necessary to acquire the project and convey title to the project to the Secretary, in which case the insurance benefits paid by the Secretary shall include the amount bid by the mortgagee to satisfy the senior mortgage at the foreclosure sale; and

"(ii) if the equity loan has been assigned to the Secretary, bid, in addition to amounts authorized under section 207(k), any sum not in excess of the total unpaid indebtedness secured by such senior mortgage and the equity loan, plus taxes, insurance, foreclosure costs, fees, and other expenses.

"(5) A mortgagee approved by the Secretary may not withhold consent to an equity loan on a property on which that mortgagee holds a mortgage.".

SEC. 232. REPORT TO CONGRESS. 12 USC 1715l note.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report setting forth the activities carried out under this subtitle. The report shall include a description of the plans of action approved under subsections (a) and (b) of section 225 and an analysis of the extent to which the plans retain housing affordable for very low-income families or persons, lower income families or persons, and moderate income families or persons.

SEC. 233. DEFINITIONS. 12 USC 1715l note.

For purposes of this subtitle:

(1) The term "eligible low income housing" means any housing financed by a loan or mortgage—

(A) that is—

(i) insured or held by the Secretary under section 221(d)(3) of the National Housing Act and assisted under section 101 of the Housing and Urban Development Act of 1965 or section 8 of the United States Housing Act of 1937;

(ii) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act;

(iii) insured, assisted, or held by the Secretary under section 236 of the National Housing Act; or

(iv) held by the Secretary and formerly insured under a program referred to in clause (i), (ii), or (iii); and

(B) that, under regulation or contract in effect before the date of the enactment of this Act, is or will within 1 year become eligible for prepayment without prior approval of the Secretary.

(2) The term "low income affordability restrictions" means limits imposed by regulation or regulatory agreement on tenant rents, rent contributions, or income eligibility in eligible low income housing.

(3) The terms "lower income families or persons" and "very low-income families or persons" mean families or persons whose incomes do not exceed the respective levels established for lower income families and very low-income families under section 3(b)(2) of the United States Housing Act of 1937.

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(4) The term "moderate income families or persons" means families or persons whose incomes are between 80 percent and 95 percent of median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(5) The term "owner" means the current or subsequent owner or owners of eligible low income housing.

(6) The term "Secretary" means the Secretary of Housing and Urban Development.

(7) The term "termination of low income affordability restrictions" means any elimination or relaxation of low income affordability restrictions (other than those permitted under an approved plan of action under section 225(b)).

12 USC 1715l note

SEC. 234. REGULATIONS.

The Secretary shall issue final regulations to carry out this subtitle not later than 60 days after the date of the enactment of this Act. The Secretary shall provide for the regulations to take effect not later than 45 days after the date on which the regulations are issued.

12 USC 1715l note

SEC. 235. EFFECTIVE DATE.

The requirements of this subtitle shall apply to any project that is eligible low income housing on or after November 1, 1987.

Subtitle C—Rural Rental Housing Displacement Prevention

SEC. 241. PREPAYMENT AND REFINANCING PROCEDURES.

42 USC 1472.

Section 502(c) of the Housing Act of 1949 is amended by adding at the end the following new paragraphs:

State and local governments.

"(3) NOTICE OF OFFER TO PREPAY.—Not less than 30 days after receiving an offer to prepay any loan made or insured under section 514 or 515, the Secretary shall provide written notice of the offer or request to the tenants of the housing and related facilities involved, to interested nonprofit organizations, and to any appropriate State and local agencies.

Loans. Contracts.

"(4)(A) AGREEMENT BY BORROWER TO EXTEND LOW INCOME USE.—Before accepting any offer to prepay, or requesting refinancing in accordance with subsection (b)(3) of, any loan made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, the Secretary shall make reasonable efforts to enter into an agreement with the borrower under which the borrower will make a binding commitment to extend the low income use of the assisted housing and related facilities involved for not less than the 20-year period beginning on the date on which the agreement is executed.

"(B) ASSISTANCE AVAILABLE TO BORROWER TO EXTEND LOW INCOME USE.—To the extent of amounts provided in appropriation Acts, the agreement under subparagraph (A) may provide for 1 or more of the following forms of assistance that the Secretary, after taking into account local market conditions, determines to be necessary to extend the low income use of the housing and related facilities involved:

101 STAT. 1887

"(i) Increase in the rate of return on investment.

"(ii) Reduction of the interest rate on the loan through the provision of interest credits under section 521(a)(1)(B).

Contracts.

"(iii) Additional rental assistance, or an increase in assistance provided under existing contracts, under section 521(a)(2) or under section 8 of the United States Housing Act of 1937.

"(iv) An equity loan to the borrower under paragraphs (7) and (8) of section 515(b).

"(v) Incremental rental assistance in connection with loans under clauses (ii) and (iv) to the extent necessary to avoid increases in the rental payments of current tenants not receiving rental assistance under section 521(a)(2) or under section 8 of the United States Housing Act of 1937.

"(C) APPROVAL OF ASSISTANCE.—The Secretary may approve assistance under subparagraph (B) only if the Secretary determines that the combination of assistance provided—

"(i) is necessary to provide a fair return on the investment of the borrower; and

"(ii) is the least costly alternative for the Federal Government that is consistent with carrying out the purposes of this subsection.

"(5)(A) OFFER TO SELL TO NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.—

"(i) IN GENERAL.—If the Secretary determines after a reasonable period that an agreement will not be entered into with a borrower under paragraph (4), the Secretary shall require the borrower (except as provided in subparagraph (G)) to offer to sell the assisted housing and related facilities involved to any qualified nonprofit organization or public agency at a fair market value determined by 2 independent appraisers, one of whom shall be selected by the Secretary and one of whom shall be selected by the borrower. If the 2 appraisers fail to agree on the fair market value, the Secretary and the borrower shall jointly select a third appraiser, whose appraisal shall be binding on the Secretary and the borrower.

"(ii) PERIOD FOR WHICH REQUIREMENT APPLICABLE.—If, upon the expiration of 180 days after an offer is made to sell housing and related facilities under clause (i), no qualified nonprofit organization or public agency has made a bona fide offer to purchase, the Secretary may accept the offer to prepay, or may request refinancing in accordance with subsection (b)(3) of, the loan. This clause shall apply only when funds are available for purposes of carrying out a transfer under this paragraph.

"(B) QUALIFIED NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.—

"(i) LOCAL NONPROFIT ORGANIZATION OR PUBLIC AGENCY.—A local nonprofit organization or public agency may purchase housing and related facilities under this paragraph only if—

"(I) the organization or agency is determined by the Secretary to be capable of managing the housing and related facilities (either directly or through a contract) for the remaining useful life of the housing and related facilities; and Contracts.

"(II) the organization or agency has entered into an agreement that obligates it (and successors in interest thereof) to maintain the housing and related facilities as affordable for very low-income families or persons and low income families or persons for the remaining useful life of the housing and related facilities. 101 STAT. 1888

"(ii) NATIONAL OR REGIONAL NONPROFIT ORGANIZATION.—If the Secretary determines that there is no local nonprofit organization or public agency qualified to purchase the housing and related facilities involved, the Secretary shall require the borrower to offer to sell the assisted housing and related facilities to an existing qualified national or regional nonprofit organization.

"(C) FINANCING OF SALE.—To facilitate the sale described in subparagraph (A), the Secretary shall—

"(i) to the extent provided in appropriation Acts, make an advance to the nonprofit organization or public agency whose offer to purchase is accepted under this paragraph to cover any direct costs (other than the purchase price) incurred by the organization or agency in purchasing and assuming responsibility for the housing and related facilities involved;

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"(ii) approve the assumption, by the nonprofit organization or public agency involved, of the loan made or insured under section 514 or 515;

"(iii) to the extent provided in appropriation Acts, transfer any rental assistance payments that are received under section 521(a)(2)(A), or under section 8 of the United States Housing Act of 1937, with respect to the housing and related facilities involved; and

Loans.

"(iv) to the extent provided in appropriation Acts, provide a loan under section 515(c)(3) to the nonprofit organization or public agency whose offer to purchase is accepted under this paragraph to enable the organization or agency to purchase the housing and related facilities involved.

"(D) RENT LIMITATION AND ASSISTANCE.—The Secretary shall, to the extent provided in appropriation Acts, provide to each nonprofit organization or public agency purchasing housing and related facilities under this paragraph financial assistance (in the form of monthly payments or forgiveness of debt) in an amount necessary to ensure that the monthly rent payment made by each low income family or person residing in the housing does not exceed the maximum rent permitted under section 521(a)(2)(A).

"(E) RESTRICTION ON SUBSEQUENT TRANSFERS.—Except as provided in subparagraph (B)(ii), the Secretary may not approve the transfer of any housing and related facilities purchased under this paragraph during the remaining useful life of the housing and related facilities, unless the Secretary determines that—

"(i) the transfer will further the provision of housing and related facilities for low income families or persons; or

"(ii) there is no longer a need for such housing and related facilities by low income families or persons.

Loans.
Contracts.

"(F) GENERAL RESTRICTION ON PREPAYMENTS AND REFINANCINGS.—Following the transfer of the maximum number of dwelling units set forth in subparagraph (H)(i) in any fiscal year or the maximum number of dwelling units for which budget authority is available in any fiscal year, the Secretary may not accept in such fiscal year any offer to prepay, or request refinancing in accordance with subsection (b)(3) of, any loan made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, except in accordance with subparagraph (G). The limitation established in this subparagraph shall not apply to an offer to prepay, or request to refinance, if, following the date on which such offer or request is made (or following the date of the enactment of the Housing and Community Development Act of 1987, whichever occurs later) a 15-month period expires during which no budget authority is available to carry out this paragraph. For purposes of this subparagraph, the Secretary shall allocate budget authority under this paragraph in the order in which offers to prepay, or request to refinance, are made.

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Loans.

"(G) EXCEPTION.—This paragraph shall not apply to any offer to prepay, or any request to refinance in accordance with subsection (b)(3), any loan made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, if—

"(i) the borrower enters into an agreement with the Secretary that obligates the borrower (and successors in interest thereof)—

"(I) to utilize the assisted housing and related facilities for the purposes specified in section 514 or 515, as the case may be, for a period determined by the Secretary (but not less than the period described in paragraph (1)(B) calculated from the date on which the loan is made or insured); and

"(II) upon termination of the period described in paragraph (1)(B), to offer to sell the assisted housing and related facilities to a qualified nonprofit organization or public agency in accordance with this paragraph; or

"(ii) the Secretary determines that housing opportunities of minorities will not be materially affected as a result of the prepayment or refinancing, and that—

"(I) the borrower (and any successor in interest thereof) are obligated to ensure that tenants of the housing and related facilities financed with the loan will not be displaced due to a change in the use of the housing, or to an increase in rental or other charges, as a result of the prepayment or refinancing; or

"(II) there is an adequate supply of safe, decent, and affordable rental housing within the market area of the housing and related facilities and sufficient actions have been taken to ensure that the rental housing will be made available to each tenant upon displacement.

"(H) FUNDING.—

"(i) BUDGET LIMITATION.—Not more than 5,000 dwelling units may be transferred under this paragraph in any fiscal year, and the budget authority that may be provided under this paragraph for any fiscal year may not exceed the amounts required to carry out this paragraph with respect to such number.

"(ii) REIMBURSEMENT OF RURAL HOUSING INSURANCE FUND.—There are authorized to be appropriated to the Rural Housing Insurance Fund such sums as may be necessary to reimburse the Fund for financial assistance provided under this paragraph, paragraph (4), and section 517(j)(7).

"(I) DEFINITION.—For purposes of this paragraph, the term 'nonprofit organization' means any private organization—

"(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; and

"(ii) that is approved by the Secretary as to financial responsibility.

"(J) REGULATIONS.—Notwithstanding section 534, the Secretary shall issue final regulations to carry out this paragraph not later than 60 days after the date of the enactment of the Housing and Community Development Act of 1987. The Secretary shall provide for the regulations to take effect not later than 45 days after the date on which the regulations are issued.". 101 STAT. 1890

SEC. 242. EQUITY RECAPTURE LOANS AND LOANS TO NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.

Section 515 of the Housing Act of 1949 is amended— 42 USC 1485

(1) by redesignating subsections (c) through (p) as subsections (d) through (q), respectively; and

(2) by inserting after subsection (b) the following:

"(c) With respect to a loan made or insured under subsection (a) or (b), the Secretary is authorized to—

"(1) make or insure an equity loan in the form of a supplemental loan for the purpose of equity takeout to the owner of housing financed with a loan made or insured under this section pursuant to a contract entered into before December 21, 1979, for the purpose of extending the affordability of the housing for low income families or persons and very low-income families or persons for not less than 20 years, except that such loan may not exceed 90 percent of the value of the equity in the project as determined by the Secretary;

"(2) transfer and reamortize an existing loan in connection with assistance provided under paragraph (1); and

"(3) make or insure a loan to enable a nonprofit organization or public agency to make a purchase described in section 502(c)(5).".

SEC. 243. USE OF RURAL HOUSING INSURANCE FUND.

Section 517(j) of the Housing Act of 1949 is amended— 42 USC 1487

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) to provide advances and assistance required to carry out paragraphs (4) and (5) of section 502(c).".

Subtitle D—Other Measures to Preserve Low Income Housing

SEC. 261. EARLY PREPAYMENT.

12 USC 1715z-15

Section 250(a)(1) of the National Housing Act is amended by striking "or" and all that follows through "needs" the last place it appears

SEC. 262. SECTION 8 ASSISTANCE.

42 USC 1437f

(a) REQUIRED NOTICE.—Section 8(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

Contracts

"(9) Not less than 1 year prior to terminating any contract under which assistance payments are received under this section (but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o)), an owner shall provide written notice to the Secretary and the tenants involved of the proposed termination, specifying the reasons for the termination with sufficient detail to enable the Secretary to evaluate whether the termination is lawful and whether there are additional actions that can be taken by the

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Secretary to avoid the termination. The Secretary shall review the owner's notice, shall consider whether there are additional actions that can be taken by the Secretary to avoid the termination, and shall ensure a proper adjustment of the contract rents for the project in conformity with the requirements of paragraph (2). The Secretary shall issue a written finding of the legality of the termination and the reasons for the termination, including the actions considered or taken to avoid the termination. For purposes of this paragraph, the term 'termination' means the expiration of the assistance contract or an owner's refusal to renew the assistance contract.".

(b) ADJUSTMENT OF ALLOWABLE RENT.—Section 8(c) of the United States Housing Act of 1937 (as amended by subsection (a) of this section) is further amended by adding at the end the following new paragraph:

Contracts

"(10) If an owner provides notice of proposed termination under paragraph (9) and the contract rent is lower than the maximum monthly rent for units assisted under subsection (b)(1), the Secretary shall adjust the contract rent based on the maximum monthly rent for units assisted under subsection (b)(1) and the value of the lower income housing after rehabilitation.".

Contracts

(c) LOAN MANAGEMENT AND PROPERTY DISPOSITION PROGRAMS.—Section 8 of the United States Housing Act of 1937 (as amended by section 149 of this Act) is further amended by adding at the end the following new subsection:

"(v)(1) Each contract entered into by the Secretary under this section for loan management assistance shall be for a term of 180 months.

"(2) The Secretary shall extend any expiring contract entered into under this section for loan management assistance or execute a new contract, if the owner agrees to continue providing housing for lower income families during the term of the contract.".

SEC. 263. SECTION 515 OPERATING RESERVE AND EQUITY CONTRIBUTION REQUIREMENTS.

Section 515 of the Housing Act of 1949 (as amended by section 242) is further amended by adding at the end the following new subsection:

"(r) The Secretary—

"(1) may require that the initial operating reserve under this section may be in the form of an irrevocable letter of credit; and

"(2) may not require more than a 3 percent contribution to equity.".

TITLE III—RURAL HOUSING

SEC. 301. PROGRAM AUTHORIZATIONS.

(a) INSURANCE AND GUARANTEE AUTHORITY.—Section 513(a)(1) of the Housing Act of 1949 is amended to read as follows: 42 USC 1483

"(a)(1) The Secretary may, to the extent approved in appropriation Acts, insure and guarantee loans under this title during fiscal years 1988 and 1989 in aggregate amounts not to exceed $1,775,395,000 and $1,794,925,000, respectively, as follows:

"(A) For insured or guaranteed loans under section 502 on behalf of borrowers receiving assistance under section 521(a)(1) or receiving guaranteed loans pursuant to section 304 of the Housing and Community Development Act of 1987, $1,104,000,000 for fiscal year 1988 and $1,116,144,000 for fiscal year 1989. 101 STAT. 1892

"(B) For loans under section 504, $11,335,000 for fiscal year 1988 and $11,460,000 for fiscal year 1989.

"(C) For insured loans under section 514, $11,485,000 for fiscal year 1988 and $11,612,000 for fiscal year 1989.

"(D) For insured loans under section 515, $647,000,000 for fiscal year 1988 and $654,117,000 for fiscal year 1989.

"(E) For loans under section 523(b)(1)(B), $1,000,000 for fiscal year 1988 and $1,011,000 for fiscal year 1989.

"(F) For site loans under section 524, $575,000 for fiscal year 1988 and $581,000 for fiscal year 1989.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 513(b) of the Housing Act of 1949 is amended to read as follows: 42 USC 1483

"(b) There are authorized to be appropriated for fiscal years 1988 and 1989, and to remain available until expended, the following amounts:

"(1) For grants under section 504, $13,113,000 for fiscal year 1988 and $13,362,000 for fiscal year 1989.

"(2) For purposes of section 509(c), $713,000 for fiscal year 1988 and $727,000 for fiscal year 1989.

"(3) Such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to—

"(A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503; and

"(B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary.

"(4) For financial assistance under section 516, $9,979,000 for fiscal year 1988 and $10,169,000 for fiscal year 1989.

"(5) For grants under section 523(f), $8,392,000 for fiscal year 1988 and $8,551,000 for fiscal year 1989.

"(6) For grants under section 533, $20,078,000 for fiscal year 1988 and $20,460,000 for fiscal year 1989.".

(c) RENTAL ASSISTANCE PAYMENT CONTRACTS.—Section 513(c) of the Housing Act of 1949 is amended to read as follows:

"(c)(1) The Secretary, to the extent approved in appropriation Acts for fiscal years 1988 and 1989, may enter into rental assistance payment contracts under section 521(a)(2)(A) aggregating $275,310,000 for fiscal year 1988 and $280,000,000 for fiscal year 1989.

"(2) Any authority approved in appropriation Acts for fiscal year 1988 or any succeeding fiscal year for rental assistance payment contracts under section 521(a)(2)(A) shall be used by the Secretary—

"(A) to renew rental assistance payment contracts that expire during such fiscal year;

"(B) to provide amounts required to continue rental assistance payments for the remaining period of an existing contract, in any case in which the original amount of rental assistance is used prior to the end of the term of the contract; and

"(C) to make additional rental assistance payment contracts for existing or newly constructed dwelling units.".

(d) SUPPLEMENTAL RENTAL ASSISTANCE CONTRACTS.—Section 513 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

101 STAT. 1893

"(d) The Secretary, to the extent approved in appropriation Acts for fiscal years 1988 and 1989, may enter into 5-year supplemental rental assistance contracts under section 502(c)(5)(D) aggregating $26,000,000 for fiscal year 1988 and $27,534,000 for fiscal year 1989.".

(e) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 is amended by striking "March 15, 1988" and inserting "September 30, 1989".

42 USC 1485.

(f) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 is amended by striking "March 15, 1988" and inserting "September 30, 1989".

42 USC 1490c.

(g) RURAL HOUSING VOUCHER DEMONSTRATION.—Section 513 of the Housing Act of 1949 (as amended by subsection (d) of this section) is further amended by adding at the end the following:

Contracts. State and local governments.

"(e)(1) To such extent or in such amounts as are approved in appropriation Acts, the Secretary shall carry out a demonstration rural housing voucher program during fiscal years 1988 and 1989. For such purpose, the Secretary shall enter into contracts using a payment standard in accordance with section 8(o) of the United States Housing Act of 1937 covering up to 7,500 dwelling units located in rural areas in not more than 5 States during each such fiscal year.

"(2) The Secretary may use the authority conferred by paragraph (1) in a State only if the State Farmers Home Administration Administrator certifies that—

"(A) such Administrator has completed an inventory of the State's housing supply, including housing suitable for rehabilitation, using currently available data; and

"(B) there is an adequate supply of decent, safe, and sanitary housing available for occupancy by voucher holders in that State.

"(3) In carrying out the voucher demonstration program under this subsection, the Secretary shall coordinate activities under this subsection with activities assisted under sections 515 and 533 of this title and under section 17 of the United States Housing Act of 1937.

"(4) Funding for the voucher demonstration program under this subsection shall be from amounts in the Rural Housing Insurance Fund authorized for loans under sections 502 and section 515 in proportion to the amounts authorized for such loans. Any reduction in the amounts available for such loans shall be made from the total amounts available for such loans in all States.".

SEC. 302. ELIGIBILITY REQUIREMENTS.

42 USC 1471.

(a) RESIDENT ALIENS.—Section 501 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may not restrict the availability of assistance under this title for any alien for whom assistance may not be restricted by the Secretary of Housing and Urban Development under section 214 of the Housing and Community Development Act of 1980.

"(2) In carrying out any restriction established by the Secretary on the availability of assistance under this title for any alien, the Secretary shall follow procedures comparable to the procedures established in section 214 of the Housing and Community Development Act of 1980.".

(b) INCOME LEVELS.—

Virgin Islands.

(1) Section 501(b)(4) of the Housing Act of 1949 is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the maximum income levels established for purposes of this title for such families and persons in the Virgin Islands shall not be less than the highest such levels established for purposes of this title for such families and

101 STAT. 1894

persons in American Samoa, Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(2) The amendment made by paragraph (1) shall be applicable to any determination of eligibility for assistance under title V of the Housing Act of 1949 made on or after the date of the enactment of this Act.

Effective date.
42 USC 1471 note.

SEC. 303. ESCROWING TAXES AND INSURANCE.

Section 501(e) of the Housing Act of 1949 is amended to read as follows:

42 USC 1471.

"(e) The Secretary shall establish procedures under which borrowers under this title are required to make periodic payments for the purpose of taxes, insurance, and other necessary expenses as the Secretary may deem appropriate. Notwithstanding any other provision of law, such payments shall not be considered public funds. The Secretary shall direct the disbursement of the funds at the appropriate time or times for the purposes for which the funds were escrowed. If the prepayments made by the borrower are not sufficient to pay the amount due, advances may be made by the Secretary to pay the costs in full, which advances shall be charged to the account of the borrower, bear interest, and be payable in a timely fashion as determined by the Secretary. The Secretary shall notify a borrower in writing when loan payments are delinquent.".

Loans.

SEC. 304. RURAL HOUSING GUARANTEED LOAN DEMONSTRATION.

42 USC 1472 note.

(a) ESTABLISHMENT OF DEMONSTRATION.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall carry out a rural housing guaranteed loan demonstration program under which the Secretary shall, to the extent of amounts provided in appropriation Acts, provide guaranteed loans in accordance with section 502, section 517(d), and the last sentence of section 521(a)(1)(A), of the Housing Act of 1949.

(b) AMOUNT AVAILABLE FOR DEMONSTRATION.—

State and local governments.

(1) There shall be available for guaranteed loans under this section for any fiscal year in each State an amount equal to whichever of the following is lower:

(A) 10 percent of the total loan authority allocated under section 502 of the Housing Act of 1949 to the State for the fiscal year.

(B) The average, during the preceding 3 fiscal years, of the funds allocated to the State under section 502 of the Housing Act of 1949 that have not been utilized.

(2) Any amount made available under this subsection that is not used before the last 60 days of a fiscal year shall become available for assistance for low income families or persons under section 502 of the Housing Act of 1949.

(c) ELIGIBILITY FOR LOANS.—Loans guaranteed pursuant to this section shall be made only to borrowers with moderate incomes that do not exceed the median income of the area, as determined by the Secretary, with adjustments for smaller and larger families.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to the Congress—

101 STAT. 1895

(1) as soon as practicable after September 30, 1989, an interim report setting forth the findings and recommendations of the Secretary as a result of the demonstration; and

(2) as soon as practicable after September 30, 1991, a final report setting forth the findings and recommendations of the Secretary as a result of the demonstration.

(e) TERMINATION.—The Secretary may not provide any guaranteed loan under this section after September 30, 1991, except pursuant to a commitment entered into on or before such date.

SEC. 305. DEFINITION OF DOMESTIC FARM LABOR.

(a) INSURED LOAN PROGRAM.—Section 514(f)(3) of the Housing Act of 1949 is amended to read as follows:

42 USC 1484.

"(3) the term 'domestic farm labor' means any person (and the family of such person) who receives a substantial portion of his or her income from primary production of agricultural or aquacultural commodities or the handling of such commodities in the unprocessed stage, without respect to the source of employment, except that—

"(A) such person shall be a citizen of the United States or a person legally admitted for permanent residence;

"(B) such term includes any person (and the family of such person) who is retired or disabled, but who was domestic farm labor at the time of retirement or becoming disabled; and

"(C) in applying this paragraph with respect to vacant units in farm labor housing, the Secretary shall make units available for occupancy in the following order of priority:

"(i) to active farm laborers (and their families);

"(ii) to retired or disabled farm laborers (and their families) who were active in the local farm labor market at the time of retiring or becoming disabled; and

"(iii) to other retired or disabled farm laborers (and their families).".

42 USC 1486. (b) GRANT PROGRAM.—Section 516(g) of the Housing Act of 1949 is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the term 'domestic farm labor' has the meaning given such term in section 514(f)(3).".

SEC. 306. CONFORMANCE WITH LOW-INCOME HOUSING TAX CREDIT ELIGIBILITY REQUIREMENTS.

Section 515(p) of the Housing Act of 1949 (as so redesignated by section 242 of this Act) is amended by adding at the end the following:

"(4) In projects financed under this section, units that have been allocated a low-income housing tax credit by a housing credit agency pursuant to section 42 of the Internal Revenue Code of 1986 shall not be available for occupancy by persons or families other than persons or families with incomes not in excess of the qualifying income applicable to such units pursuant to subparagraph (A) or (B) of section 42(g)(1) of such Code, except when the Secretary determines that the continued vacancy of units that have been unoccupied for at least 6 months threatens the financial viability of the project.".

101 STAT. 1896

SEC. 307. LIMITATION OF FEES ON RURAL RENTAL HOUSING LOANS.

Section 515 of the Housing Act of 1949 (as amended by section 263 of this Act) is further amended by adding at the end the following new subsection:

"(s) No fee other than a late fee may be imposed by or for the Secretary or any other Federal agency on or with respect to a loan made or insured under this section.".

SEC. 308. RURAL AREA CLASSIFICATION.

42 USC 1490. (a) HOLD HARMLESS.—Section 520 of the Housing Act of 1949 is amended by striking "March 15, 1988" in the last sentence and inserting "September 30, 1989".

California. (b) ELIGIBILITY OF RURAL AREA PROXIMATE TO URBAN AREA.—Section 520 of the Housing Act of 1949 is amended in the first sentence by inserting before "part of or associated with" the following: "(except in the case of Pajaro, in the State of California)".

SEC. 309. PROCEDURES FOR REDUCTION OF INTEREST CREDITS.

Loans. 42 USC 1490a. Section 521(a)(1)(B) of the Housing Act of 1949 is amended by adding at the end the following new sentence: "In the case of

assistance provided under this subparagraph with respect to a loan under section 502, the Secretary may not reduce, cancel, or refuse to renew the assistance due to an increase in the adjusted income of the borrower if the reduction, cancellation, or nonrenewal will cause the borrower to be unable to reasonably afford the resulting payments required under the loan.".

SEC. 310. RURAL HOUSING PRESERVATION GRANT PROGRAM.

42 USC 1490m.

Section 533(h) of the Housing Act of 1949 is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

Regulations.

"(2) The Secretary shall, not later than the expiration of the 30-day period following the date of the enactment of the Housing and Community Development Act of 1987 issue regulations to carry out the program of grants under subsection (a)(2).".

SEC. 311. RURAL RENTAL REHABILITATION DEMONSTRATION.

42 USC 1490m note.

(a) ESTABLISHMENT OF DEMONSTRATION.—The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") shall carry out a rural rental rehabilitation demonstration program in accordance with this section.

Grants.

(b) AVAILABILITY OF AMOUNTS.—For purposes of the demonstration program, any rental rehabilitation grant amount provided to a State under section 17 of the United States Housing Act of 1937 that is unutilized from any prior fiscal year shall be available for use in areas eligible for assistance under title V of the Housing Act of 1949.

(c) REPORT TO CONGRESS.—The Secretary shall submit to the Congress as soon as practicable after September 30, 1989, a report setting forth the findings and recommendations of the Secretary as a result of the demonstration program. The report shall include an evaluation of the following:

(1) The effectiveness of the program in meeting the need for the rehabilitation of rental housing in rural areas.

(2) The extent of participation by the owners of rental properties in the program.

101 STAT. 1897

(3) The cost of the program.

(d) TERMINATION.—The authority provided in this section shall terminate after September 30, 1989.

SEC. 312. STUDY OF MORTGAGE CREDIT IN RURAL AREAS.

Loans.

The Secretary of Housing and Urban Development shall conduct a study of the availability and use of funds (including mortgages and loans insured under title II of the National Housing Act, loans made or insured under title V of the Housing Act of 1949, and conventional mortgages and loans) for the purchase and improvement of residential real property in rural areas, particularly in communities that have populations of not more than 2,500 individuals. Not later than April 1, 1988, the Secretary shall submit to the Congress a detailed report setting forth the findings of the Secretary as a result of the study.

Reports.

SEC. 313. DEBT SETTLEMENT AUTHORITY OF SECRETARY.

Claims.
Contracts.
42 USC 1480.

Section 510(c) of the Housing Act of 1949 is amended to read as follows:

"(c) compromise, adjust, reduce, or charge-off claims, and adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements entered into or administered by the Secretary under this title, as circumstances may require, including the release of borrowers or others obligated on a debt from personal liability with or without payment of any consideration at the time of the compromise, adjustment, reduction, or charge-off of any claim;".

SEC. 314. MANUFACTURED HOUSING.

Loans.

42 USC 1472.

Section 502(e) of the Housing Act of 1949 is amended by adding at the end the following:

"(3) A loan that may be made or insured under this section with respect to a manufactured home on a permanent foundation, or a manufactured home on a permanent foundation and a lot, shall be repayable over the same period as would be applicable under section 203(b) of the National Housing Act.".

Grants.

SEC. 315. LOAN PACKAGING BY NONPROFIT ORGANIZATIONS.

Section 501 of the Housing Act of 1949 (as amended by section 302 of this Act) is further amended by adding at the end the following new subsection:

"(i) For the purposes of this title, the term 'development cost' shall include the packaging of loan and grant applications and actions related thereto by public and private nonprofit organizations tax exempt under the Internal Revenue Code of 1986.".

SEC. 316. RURAL HOUSING TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 501(b)(3) of the Housing Act of 1949 is amended by striking "is a developmentally disabled individual as defined in section 102(7) of the Development Disabilities Services and Facilities Construction Act" and inserting the following: "has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7))".

(b) FARM LABOR HOUSING.—Section 514(f)(1) of the Housing Act of 1949 is amended by striking "and" at the end.

42 USC 1484.

101 STAT. 1898

(c) HOUSING FOR ELDERLY FAMILIES.—Section 515(p)(1) of the Housing Act of 1949 (as so redesignated by section 242 of this Act) is amended by striking "effective".

(d) LOANS TO LOW- AND MODERATE-INCOME FAMILIES.—Section 521(a) of the Housing Act of 1949 is amended—

42 USC 1490a.

(1) in paragraph (1)(A), by striking ", except" and all that follows through "charges"; and

(2) in paragraph (2)(A), by striking "; or" and inserting ", or".

(e) HOUSING FOR RURAL TRAINEES.—Section 522(a) of the Housing Act of 1949 is amended by striking the comma after "Health".

42 USC 1490b.

42 USC 1490f.

(f) CONDOMINIUM HOUSING.—

(1) Section 526(a) of the Housing Act of 1949 is amended by striking "and" the first place it appears.

(2) Section 526(c) of the Housing Act of 19'9 is amended by striking "and" the first place it appears.

(g) HOUSING PRESERVATION GRANTS.—

42 USC 1490m.

(1) Section 533(e)(1)(B)(iii) of the Housing Act of 1949 is amended by inserting "to" before "refuse".

(2) Section 533(g) of the Housing Act of 1949 is amended by striking "persons of low income and very low-income" and inserting "low income families or persons and very low-income families or persons".

TITLE IV—MORTGAGE INSURANCE AND SECONDARY MORTGAGE MARKET PROGRAMS

Subtitle A—FHA Mortgage Insurance Programs

SEC. 401. INSURANCE AUTHORITY FOR FHA.

(a) REPEALS.—Each of the following provisions of law is repealed:

12 USC 1715h.

(1) Section 217 of the National Housing Act.

12 USC 1715*l*.

(2) The fifth sentence of section 221(f) of the National Housing Act.

(3) Section 244(d), and the last sentence of section 244(h), of the National Housing Act. 12 USC 1715z-9.

(4) The last sentence of section 245(a) of the National Housing Act. 12 USC 1715z-10.

(5) The second sentence of section 809(f) of the National Housing Act. 12 USC 1748h-1.

(6) The second sentence of section 810(k) of the National Housing Act. 12 USC 1748h-2.

(7) The second sentence of section 1002(a) of the National Housing Act. 12 USC 1749bb.

(8) The second sentence of section 1101(a) of the National Housing Act. 12 USC 1749aaa.

(b) AMENDMENT.—The first sentence of section 2(a) of the National Housing Act is amended by striking "and not later than March 15, 1988,". 12 USC 1703.

(c) EXTENSION OF SECTION 235.—The last sentence of section 235(h)(1), section 235(m), and the last sentence of section 235(q)(1), of the National Housing Act are each amended by striking out "March 15, 1988" and inserting in lieu thereof "September 30, 1989". 101 STAT. 1899 12 USC 1715z.

(d) TERMINATION OF SECTION 235.— 12 USC 1715z note.

(1) IN GENERAL.—Effective on October 1, 1989, the program under section 235 of the National Housing Act shall terminate.

(2) SAVINGS PROVISION.—The provisions of paragraph (1) shall not affect—

(A) any mortgage insurance commitment issued; or

(B) any assistance pursuant to a reservation of funds made;

under section 235 of the National Housing Act prior to October 1, 1989.

SEC. 402. AMOUNT TO BE INSURED UNDER NATIONAL HOUSING ACT.

Section 531 of the National Housing Act is amended— 12 USC 1735f-9.

(1) by inserting "(a)" after "SEC. 531."; and

(2) by adding at the end thereof the following:

"(b) Notwithstanding any other provision of law and subject only to the absence of qualified requests for insurance, to the authority provided in this Act, and to the limitation in subsection (a), the Secretary shall enter into commitments to insure mortgages under this Act with an aggregate principal amount of $100,000,000,000 during fiscal year 1988, and $104,000,000,000 during fiscal year 1989.".

SEC. 403. LIMITATION ON FEDERAL HOUSING ADMINISTRATION INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act is amended by adding at the end the following new sentence: "In the case of any mortgage secured by a 1- to 4-family dwelling, the total premium charge shall not exceed an amount equal to 3.8 percent of the original principal obligation of the mortgage if the Secretary requires (1) a single premium charge to cover the total premium obligation of the insurance of the mortgage; or (2) a periodic premium charge over less than the term of the mortgage.". 12 USC 1709.

SEC. 404. INCREASE IN MAXIMUM MORTGAGE AMOUNT UNDER SINGLE FAMILY INSURANCE PROGRAM.

Section 203(b)(2)(A) of the National Housing Act is amended by striking "133⅓ per centum" and inserting "150 percent".

SEC. 405. CHANGE IN DEFINITION OF VETERAN.

The National Housing Act is amended—

(1) by inserting before the period at the end of the first undesignated paragraph of section 203(b)(3)(2) the following: ", except that persons enlisting in the armed forces after September 7, 1980, or entering active duty after October 16, 1981, shall

have their eligibility determined in accordance with section 3103A(d) of title 38, United States Code"; and

12 USC 1715k

(2) by inserting before the semicolon at the end of section 220(d)(3)(A)(i) the following: ", except that persons enlisting in the armed forces after September 7, 1980, or entering active duty after October 16, 1981, shall have their eligibility determined in accordance with section 3103A(d) of title 38, United States Code".

101 STAT. 1900

SEC. 406. LIMITATION ON USE OF SINGLE FAMILY MORTGAGE INSURANCE BY INVESTORS.

12 USC 1709.

(a) IN GENERAL.—Section 203 of the National Housing Act is amended by inserting the following new subsection before subsection (h):

"(g)(1) The Secretary may insure a mortgage under this title that is secured by a 1- to 4-family dwelling, or approve a substitute mortgagor with respect to any such mortgage, only if the mortgagor is to occupy the dwelling as his or her principal residence or as a secondary residence, as determined by the Secretary.

"(2) The occupancy requirement established in paragraph (1) shall apply only if the mortgage involves a principal obligation that exceeds, as appropriate, 75 percent of—

"(A) the appraised value of the dwelling;

"(B) the estimate of the Secretary of the replacement cost of the property;

"(C) the sum of the estimates of the Secretary of the cost of repair and rehabilitation and the value of the property before repair and rehabilitation; or

"(D) the sum of the estimates of the Secretary of the cost of repair and rehabilitation and the amount (as determined by the Secretary) required to refinance existing indebtedness secured by the property, and, in the case of a property refinanced under section 220(d)(3)(A), any existing indebtedness incurred in connection with improving, repairing, or rehabilitating the property.

"(3) The occupancy requirement established in paragraph (1) shall not apply to any mortgagor (or co-mortgagor, as appropriate) that is—

"(A) a public entity, as provided in section 214 or 247;

"(B) a private nonprofit or public entity, as provided in section 221(h) or 235(j);

"(C) an Indian tribe, as provided in section 248;

"(D) a serviceperson who is unable to meet such requirement because of his or her duty assignment, as provided in section 216 or subsection (b)(4) or (f) of section 222; or

"(E) a mortgagor or co-mortgagor under subsection (k).

"(4) For purposes of this subsection, the term 'substitute mortgagor' means a person who, upon the release by a mortgagee of a previous mortgagor from personal liability on the mortgage note, assumes such liability and agrees to pay the mortgage debt.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203(b)(2) of the National Housing Act is amended—

(A) in the first sentence, by striking "(whether" and all that follows through "purposes)"; and

(B) in the second sentence, by striking the following: "to be occupied as a principal residence of the owner".

(2) Section 203(b) of the National Housing Act is amended by striking paragraph (8).

(3) Section 203(h) of the National Housing Act is amended by striking "is the owner and occupant and".

(4) Section 203(i) of the National Housing Act is amended—

(A) by striking the first proviso; and

(B) by striking "further" the first place it appears.

(5) The first sentence of section 203(o)(2) of the National Housing Act is amended by striking "occupant".

(6) The first sentence of section 203(p)(2) of the National Housing Act is amended by striking "owner-occupant" and inserting "owner". 101 STAT. 1901 12 USC 1709.

(7) The fourth sentence of section 214 of the National Housing Act is amended by striking the following: "shall be the owner and occupant of the property or". 12 USC 1715d.

(8) Section 216 of the National Housing Act is amended— 12 USC 1715g.

(A) by striking "that the mortgagor be the occupant" and inserting "with respect to the occupancy of the mortgagor"; and

(B) by striking "occupy the property" each place it appears and inserting "meet such requirement".

(9) Section 220(d)(3)(A) of the National Housing Act is amended— 12 USC 1715k.

(A) by inserting "and" at the end of clause (i);

(B) by striking clauses (ii) and (iii);

(C) in clause (iv), by striking the following: "(except as provided in clause (iii))"; and

(D) by redesignating clause (iv) as clause (ii).

(10) Section 221(d)(2) of the National Housing Act is amended— 12 USC 1715l.

(A) by striking the colon at the end of subparagraph (A)(iv) and all that follows through "*Provided further,* That" the first place it appears, and inserting ", except that";

(B) by striking "*Provided,* That (i)" and all that follows through "(1) in" and inserting the following: "*Provided,* That (i)(1) in";

(C) by striking the penultimate proviso; and

(D) in the last proviso, by striking the following: ", if the mortgagor is the owner and an occupant of the property such" and inserting "the".

(11) Section 221(d)(6)(ii) of the National Housing Act is amended by striking the following: "is an owner-occupant of the property and".

(12) The first sentence of section 221(h)(6) of the National Housing Act is amended by striking "and occupied".

(13) Section 221(h)(8) of the National Housing Act is amended by striking the following: "if one of the units is to be occupied by the owner".

(14) Subsections (b)(4) and (f) of section 222 of the National Housing Act are amended by inserting "as a principal residence" after "occupies the property" each place it appears. 12 USC 1715m.

(15) Section 223(a) of the National Housing Act is amended by inserting after "this Act," the first place it appears the following: "other than the limitation in section 203(g),". 12 USC 1715n.

(16) The first sentence of section 223(e) of the National Housing Act is amended by inserting after "title XI," the following: "other than the limitation in section 203(g),".

(17) Section 234(c) of the National Housing Act is amended by striking the fourth sentence. 12 USC 1715y.

(18) Section 235(i)(3)(A) of the National Housing Act is amended by striking the following: "one of the units of which is to be occupied by the owner and". 12 USC 1715z.

(19) Section 235(j)(6) of the National Housing Act is amended by striking the following: "if one of the units is to be occupied by the owner". 101 STAT. 1902

(c) REPEAL OF VACATION AND SEASONAL HOME INSURANCE PROGRAM.—Section 203 of the National Housing Act is amended by striking subsection (m). 12 USC 1709.

(d) APPLICABILITY.—The amendments made by this section shall apply only with respect to— 12 USC 1709 note.

(1) mortgages insured—

(A) pursuant to a conditional commitment issued on or after the date of the enactment of this Act; or

(B) in accordance with the direct endorsement program (24 CFR 200.163), if the approved underwriter of the mortgagee signs the appraisal report for the property on or after the date of the enactment of this Act; and

(2) the approval of substitute mortgagors, referred to in the amendment made by subsection (a), if the original mortgagor was subject to such amendment.

12 USC 1709 note.

(e) TRANSITION PROVISIONS.—Any mortgage insurance provided under title II of the National Housing Act, as it existed immediately before the date of the enactment of this Act, shall continue to be governed (to the extent applicable) by the provisions specified in subsections (a) through (c), as such provisions existed immediately before such date.

SEC. 407. ACTIONS TO REDUCE LOSSES UNDER SINGLE FAMILY MORTGAGE INSURANCE PROGRAM.

12 USC 1709 note.

(a) IN GENERAL.—

(1) AMENDMENT TO SECTION 203.—Section 203 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) The Secretary shall take appropriate actions to reduce losses under the mortgage insurance program carried out under this section. Such actions shall include—

"(1) an annual review by the Secretary of the rate of early serious defaults and claims, in accordance with section 533;

"(2) requiring reviews of the credit standing of each person seeking to assume a mortgage insured under this section (A) during the 12-month period following the date on which the mortgage is endorsed for insurance, or (B) during the 24-month period following the date on which the mortgage is endorsed for insurance in the case of an investor originated mortgage; and

"(3) in any case where a mortgage is assumed after the period specified in paragraph (2), requiring that the original mortgagor be advised of the procedures by which he or she may be released from liability.

In any case where the homeowner does not request a release from liability, the purchaser and the homeowner shall have joint and several liability for any default for a period of 5 years following the date of the assumption. After the close of such 5-year period, only the purchaser shall be liable for any default on the mortgage unless the mortgage is in default at the time of the expiration of the 5-year period.".

12 USC 1709 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to mortgages endorsed for issuance on or after December 1, 1986.

(b) REPORTS BY MORTGAGEES.—Title V of the National Housing Act is amended by adding at the end thereof the following new section:

101 STAT. 1903

"DIRECTION TO THE SECRETARY TO REQUIRE MORTGAGEES WITH ABOVE NORMAL RATES OF EARLY, SERIOUS DEFAULTS AND CLAIMS TO SUBMIT REPORTS AND TAKE CORRECTIVE ACTION

12 USC 1735f-11.

"SEC. 533. (a) To reduce losses in connection with mortgage insurance programs under this Act, the Secretary shall review, at least once a year, the rate of early serious defaults and claims involving mortgagees approved under this Act. On the basis of this review, the Secretary shall notify each mortgagee which, as determined by the Secretary, had a rate of early serious defaults and claims during the preceding year which was higher than the normal rate for the geographic area or areas in which that mortgagee does business. In the notification, the Secretary shall require each mortgagee to submit a report, within a time determined by the Secretary, containing the mortgagee's (1) explanation for the above normal rate of early serious defaults and claims; (2) plan for corrective action, if

applicable, both with regard to (A) mortgages in default; and (B) its mortgage-processing system in general; and (3) a timeframe within which this corrective action will be begun and completed. If the Secretary does not agree with this timeframe or plan, a mutually agreeable timeframe and plan will be determined.

"(b) Failure of the mortgagee to submit a report required under subsection (a) within the time determined by the Secretary or to commence or complete the plan for corrective action within the timeframe agreed upon by the Secretary may be cause for suspension of the mortgagee from participation in programs under this Act.".

SEC. 408. INSURANCE OF GRADUATED PAYMENT MORTGAGES.

(a) AUTHORITY TO INSURE REFINANCING.—Section 223(a)(7) of the National Housing Act is amended in the first proviso by inserting after "except that" the following: "(A) the principal amount of any such refinancing mortgage may equal the outstanding balance of an existing mortgage insured pursuant to section 245, if the amount of the monthly payment due under the refinancing mortgage is less than that due under the existing mortgage for the month in which the refinancing mortgage is executed; and (B)". 12 USC 1715n.

(b) TERMINATION OF AUTHORITY TO INSURE.—Section 245(b) of the National Housing Act is amended by adding at the end the following new sentence: "No loan or mortgage may be insured under this subsection after the date of the enactment of the Housing and Community Development Act of 1987, except pursuant to a commitment to insure entered into on or before such date.". 12 USC 1715z-10.

SEC. 409. REFINANCING MORTGAGE INSURANCE FOR HOSPITALS, NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.

(a) STATE CERTIFICATION REQUIREMENT.—Section 223(f)(4)(D) of the National Housing Act is amended to read as follows:

"(D) the applicable requirements for certificates, studies, and statements of section 232 (for the existing nursing home, intermediate care facility, board and care home, or any combination thereof, proposed to be refinanced) or of section 242 (for the existing hospital proposed to be refinanced) have been met.".

(b) REFINANCING INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.—Section 223(f) of the National Housing Act is amended— 101 STAT. 1904

(1) in paragraph (1), by inserting after "existing hospital" the following: "(or existing nursing home, existing intermediate care facility, existing board and care home, or any combination thereof)"; and

(2) in paragraph (4) (other than in subparagraph (D)), by inserting after "existing hospital" each place it appears the following: "(or existing nursing home, existing intermediate care facility, existing board and care home, or any combination thereof)".

(c) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendment made by this section by not later than the expiration of the 90-day period following the date of the enactment of this Act. 12 USC 1715n note.

SEC. 410. MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.

(a) INSURANCE FOR PUBLIC NURSING HOMES.—Section 232(b)(1) of the National Housing Act is amended by inserting "public facility," before "proprietary". 12 USC 1715w.

(b) REQUIREMENT OF STATE APPROVAL.—Section 232(d)(4)(A) of the National Housing Act is amended by inserting at the end the following new sentences: "If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the home or facility or combined home and

facility as required in clause (i) of the first sentence, the Secretary shall not insure any mortgage under this section unless (i) the State in which the home or facility or combined home and facility is located has conducted or commissioned and paid for the preparation of an independent study of market need and feasibility that (I) is prepared in accordance with the principles established by the American Institute of Certified Public Accountants; (II) assesses, on a marketwide basis, the impact of the proposed home or facility or combined home and facility on, and its relationship to, other health care facilities and services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the home, facility, or combined home and facility; (III) is addressed to and is acceptable to the Secretary in form and substance; and (IV) in the event the State does not prepare the study, is prepared by a financial consultant who is selected by the State or the applicant for mortgage insurance and is approved by the Secretary; and (ii) the State complies with the other provisions of this subparagraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. The proposed mortgagor may reimburse the State for the cost of the independent feasibility study required in the preceding sentence. In the case of a small intermediate care facility for the mentally retarded or developmentally disabled, or a board and care home housing less than 10 individuals, the State program agency or agencies responsible for licensing, certifying, financing, or monitoring the facility or home may, in lieu of the requirements of clause (i) of the third sentence, provide the Secretary with written support identifying the need for the facility or home.".

12 USC 1715w note.

(c) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendments made by this section by not later than the expiration of the 90-day period following the date of the enactment of this Act.

101 STAT. 1905

SEC. 411. REQUIREMENT OF STATE APPROVAL FOR MORTGAGE INSURANCE FOR HOSPITALS.

12 USC 1715z-7.

(a) IN GENERAL.—Section 242(d)(4) of the National Housing Act is amended by inserting at the end the following new sentences: "If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in clause (A) of the first sentence, the Secretary shall not insure any mortgage under this section unless (A) the State in which the hospital is located has conducted or commissioned and paid for the preparation of an independent study of market need and feasibility that (i) is prepared in accordance with the principles established by the American Institute of Certified Public Accountants; (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other health care facilities and services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) in the event the State does not prepare the study, is prepared by a financial consultant selected by the State and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. The proposed mortgagor may reimburse the State for the cost of the independent feasibility study required in the preceding sentence.".

12 USC 1715z-7 note.

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendment made by this section by not later than the expiration of the 90-day period following the date of the enactment of this Act.

SEC. 412. MORTGAGE INSURANCE FOR PUBLIC HOSPITALS.

(a) ELIMINATION OF ADDITIONAL COLLATERAL REQUIREMENTS FOR PUBLIC HOSPITALS.—Section 242(a) of the National Housing Act is amended by adding at the end the following: "Such assistance shall be provided regardless of the amount of public financial or other support a hospital may receive, and the Secretary shall neither require additional security or collateral to guarantee such support, nor impose more stringent eligibility or other requirements on publicly owned or supported hospitals.".

(b) CREDIT FOR EXISTING EQUIPMENT AND IMPROVEMENTS.—Section 242(d)(2) of the National Housing Act is amended by striking the matter preceding subparagraph (A) and inserting the following:

"(2) The mortgage shall involve a principal obligation in the amount requested by the mortgagor if such amount does not exceed 90 percent of the estimated replacement cost of the property or project including—".

(c) CONTINUED USE OF LETTERS OF CREDIT.—Section 242(d) of the National Housing Act is amended by adding at the end the following new paragraph:

"(6) To the extent that a private nonprofit or public facility mortgagor is required by the Secretary to provide cash equity in excess of the amount of the mortgage to complete the project, the mortgagor shall be entitled, at the option of the mortgagee, to fund the excess with a letter of credit. In such event, mortgage proceeds may be advanced to the mortgagor prior to any demand being made on the letter of credit.". 101 STAT. 1906

(d) IMMEDIATE PROCESSING OF APPLICATIONS FOR PUBLIC HOSPITALS.—Section 242(f) of the National Housing Act is amended by adding at the end the following: "The Secretary shall begin immediately to process applications of public facilities for mortgage insurance under this section in accordance with regulations, guidelines, and procedures applicable to facilities of private nonprofit corporations and associations.". 12 USC 1715z-7.

(e) REPORT ON INSURANCE UNDER SECTION 242.—The Comptroller General of the United States shall conduct a study of the long-term financial exposure of the Federal Government under the mortgage insurance program pursuant to section 242 of the National Housing Act. Not later than October 1, 1988, the Comptroller General of the United States shall transmit to the Congress a report setting forth the results of such study, including documentation of the long-term financial exposure determined in the course of such study and recommendations for such legislation as the Comptroller General deems appropriate.

SEC. 413. MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) APPLICABILITY OF MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS.—Section 247(c)(1) of the National Housing Act is amended by inserting before the period at the end the following: "(or, in the case of an individual who succeeds a spouse or parent in an interest in a lease of Hawaiian home lands, such lower percentage as may be established for such succession under section 209 of the Hawaiian Homes Commission Act, 1920, or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5))". 12 USC 1715z-12.

(b) MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS AS OBLIGATIONS OF GENERAL INSURANCE FUND.—Section 247 of the National Housing Act is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other provision of this Act, the insurance of a mortgage using the authority contained in this section

shall be the obligation of the General Insurance Fund established in section 519. The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204 with respect to mortgages insured pursuant to this section, except that (1) all references in section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund; and (2) all references in section 204 to section 203 shall be construed to refer to the section under which the mortgage is insured.".

(c) MORTGAGE INSURANCE ON INDIAN RESERVATIONS AS OBLIGATIONS OF GENERAL INSURANCE FUND.—Section 248 of the National Housing Act is amended— 12 USC 1715z-13

(1) in paragraphs (3) and (5) of subsection (f), by striking "insurance fund" each place it appears and inserting "General Insurance Fund";

101 STAT. 1907

(2) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(3) by inserting after subsection (e) the following new subsection:

"(f) Notwithstanding any other provision of this Act, the insurance of a mortgage using the authority contained in this section shall be the obligation of the General Insurance Fund established in section 519. The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204 with respect to mortgages insured pursuant to this section, except that (1) all references in section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund; and (2) all references in section 204 to section 203 shall be construed to refer to the section under which the mortgage is insured.".

SEC. 414. CO-INSURANCE PROGRAM.

(a) REPEALER.—Section 244 of the National Housing Act is amended by striking subsection (c). 12 USC 1715z-9.

(b) CO-INSURANCE AMENDMENTS.—Section 244 of the National Housing Act is amended—

(1) in subsection (h), by striking "coinsurance" each place it appears and inserting "co-insurance"; and

(2) by adding at the end the following new subsection:

Contracts.

"(i) Any mortgagee which enters into a contract of co-insurance under this section shall have the authority to assign its interest in any note or mortgage subject to a contract of co-insurance to a warehouse bank or other financial institution which provides interim funding for a loan co-insured under this section, and to retain the co-insurance risk of such note or mortgage, upon such terms and conditions as the Secretary shall prescribe.".

SEC. 415. INCREASE IN AUTHORITY TO INSURE ADJUSTABLE RATE SINGLE FAMILY MORTGAGES.

(a) IN GENERAL.—Section 251(c) of the National Housing Act is amended to read as follows: 12 USC 1715z-16.

Loans.

"(c) The aggregate number of mortgages and loans insured under this section in any fiscal year may not exceed 30 percent of the aggregate number of mortgages and loans insured by the Secretary under this title during the preceding fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 245(c) of the National Housing Act is amended in the last sentence by striking ", section 251,". 12 USC 1715z-10.

(2) Section 252(g) of the National Housing Act is amended— 12 USC 1715z-17.

(A) by striking the first comma and inserting "and"; and

(B) by striking ", and section 251".

SEC. 416. PENALTIES FOR EQUITY SKIMMING.

(a) PURCHASE OF DWELLING SUBJECT TO LOAN IN DEFAULT.—Section 912 of the Housing and Urban Development Act of 1970 is amended— 12 USC 1709-2.

(1) in paragraph (1), by inserting "(including condominiums and cooperatives)" after "dwellings";

(2) in paragraph (2), by inserting after "due" the following: ", regardless of whether the purchaser is obligated on the loan"; and

(3) in the matter following paragraph (3)—

(A) by striking "$5,000" and inserting "$250,000"; and 101 STAT. 1908

(B) by striking "three" and inserting "5".

(b) USE OF FUNDS DERIVED FROM PROPERTY SUBJECT TO LOAN IN DEFAULT.—Title II of the National Housing Act is amended by adding at the end the following new section:

"EQUITY SKIMMING PENALTY

"SEC. 254. Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a mortgage note that is insured, acquired, or held by the Secretary pursuant to section 203, 207, 213, 220, 221(d)(3), 221(d)(4), 223(f), 231, 232, 234, 236, 238(c), 241, 242, 244, 608, or 810, or title XI, or is made pursuant to section 202 of the Housing Act of 1959, willfully uses or authorizes the use of any part of the rents, assets, proceeds, income or other funds derived from property covered by such mortgage note during a period when the mortgage note is in default or the project is in a nonsurplus cash position as defined by the regulatory agreement covering such property, for any purpose other than to meet actual or necessary expenses that include expenses approved by the Secretary if such approval is required under the terms of the regulatory agreement, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.". 12 USC 1715z-19

(c) CONFORMING AMENDMENTS.—Section 239 of the National Housing Act is amended— 12 USC 1715z-4

(1) by striking "INSURED" in the section heading;

(2) by striking "(a)" after "SEC. 239."; and

(3) by striking subsection (b).

SEC. 417. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION.

(a) IN GENERAL.—Title II of the National Housing Act (as amended by section 416 of this Act) is further amended by adding at the end the following new section:

"DEMONSTRATION PROGRAM OF INSURANCE OF HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS

"SEC. 255. (a) PURPOSE.—The purpose of this section is to authorize the Secretary to carry out a demonstration program of mortgage insurance designed— 12 USC 1715z-20

"(1) to meet the special needs of elderly homeowners by reducing the effect of the economic hardship caused by the increasing costs of meeting health, housing, and subsistence needs at a time of reduced income, through the insurance of home equity conversion mortgages to permit the conversion of a portion of accumulated home equity into liquid assets;

"(2) to encourage and increase the involvement of mortgagees and participants in the mortgage markets in the making and servicing of home equity conversion mortgages for elderly homeowners; and

"(3) to require the evaluation of data to determine—

"(A) the extent of the need and demand among elderly homeowners for insured and uninsured home equity conversion mortgages;

"(B) the types of home equity conversion mortgages that best serve the needs and interests of elderly homeowners, the Federal Government, and lenders; and 101 STAT. 1909

"(C) the appropriate scope and nature of participation by the Secretary in connection with home equity conversion mortgages for elderly homeowners.

"(b) DEFINITIONS.—For purposes of this section:

"(1) The terms 'elderly homeowner' and 'homeowner' mean any homeowner who is, or whose spouse is, at least 62 years of age or such higher age as the Secretary may prescribe.

"(2) The terms 'mortgage', 'mortgagee', 'mortgagor', and 'State' have the meanings given such terms in section 201.

"(3) The term 'home equity conversion mortgage' means a first mortgage which provides for future payments to the homeowner based on accumulated equity and which a housing creditor (as defined in section 803(2) of the Garn-St Germain Institutions Act of 1982) is authorized to make (A) under any law of the United States (other than section 804 of such Act) or applicable agency regulations thereunder; (B) in accordance with section 804 of such Act, notwithstanding any State constitution, law, or regulation; or (C) under any State constitution, law, or regulation.

"(c) INSURANCE AUTHORITY.—The Secretary may, upon application by a mortgagee, insure any home equity conversion mortgage eligible for insurance under this section and, upon such terms and conditions as the Secretary may prescribe, make commitments for the insurance of such mortgages prior to the date of their execution or disbursement to the extent that the Secretary determines such mortgages—

"(1) have promise for improving the financial situation or otherwise meeting the special needs of elderly homeowners;

"(2) will include appropriate safeguards for mortgagors to offset the special risks of such mortgages; and

"(3) have a potential for acceptance in the mortgage market.

"(d) ELIGIBILITY REQUIREMENTS.—To be eligible for insurance under this section, a mortgage shall—

"(1) have been made to a mortgagee approved by the Secretary as responsible and able to service the mortgage properly;

"(2) have been executed by a mortgagor who—

"(A) qualifies as an elderly homeowner;

"(B) has received adequate counseling by a third party (other than the lender) as provided in subsection (f); and

"(C) meets any additional requirements prescribed by the Secretary;

"(3) be secured by a dwelling that is designed principally for a 1-family residence and is occupied by the mortgagor and that has a value not to exceed the maximum dollar amount established by the Secretary under section 203(b)(2) for a 1-family residence;

"(4) provide that prepayment, in whole or in part, may be made without penalty at any time during the period of the mortgage;

"(5) provide for a fixed or variable interest rate or future sharing between the mortgagor and the mortgagee of the appreciation in the value of the property, as agreed upon by the mortgagor and the mortgagee;

"(6) contain provisions for satisfaction of the obligation satisfactory to the Secretary;

"(7) provide that the homeowner shall not be liable for any difference between the net amount of the remaining indebtedness of the homeowner under the mortgage and the amount recovered by the mortgagee from— 101 STAT. 1910

"(A) the foreclosure sale; or

"(B) the insurance benefits paid pursuant to subsection (i)(1)(C); and

Taxes

"(8) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserve, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may prescribe.

"(e) DISCLOSURES BY MORTGAGEE.—The Secretary shall require each mortgagee of a mortgage insured under this section to make available to the homeowner—

"(1) at the time of the loan application, a written list of the names and addresses of third-party information sources who are approved by the Secretary as responsible and able to provide the information required by subsection (f);

"(2) at least 10 days prior to loan closing, a statement explaining the homeowner's rights, obligations, and remedies with respect to temporary absences from the home, late payments, and payment default by the lender, all conditions requiring satisfaction of the loan obligation, and any other information that the Secretary may require; and

"(3) on an annual basis (but not later than January 31 of each year), a statement summarizing the total principal amount paid to the homeowner under the loan secured by the mortgage, the total amount of deferred interest added to the principal, and the outstanding loan balance at the end of the preceding year.

"(f) INFORMATION SERVICES FOR MORTGAGORS.—The Secretary shall provide or cause to be provided by entities other than the lender the information required in subsection (d)(2)(B). Such information shall be discussed with the mortgagor and shall include—

"(1) options other than a home equity conversion mortgage that are available to the homeowner, including other housing, social service, health, and financial options;

"(2) other home equity conversion options that are or may become available to the homeowner, such as sale-leaseback financing, deferred payment loans, and property tax deferral;

"(3) the financial implications of entering into a home equity conversion mortgage;

"(4) a disclosure that a home equity conversion mortgage may have tax consequences, affect eligibility for assistance under Federal and State programs, and have an impact on the estate and heirs of the homeowner; and — Taxes

"(5) any other information that the Secretary may require.

"(g) LIMITATION ON INSURANCE AUTHORITY.—No mortgage may be insured under this section after September 30, 1991, except pursuant to a commitment to insure issued on or before such date. The total number of mortgages insured under this section may not exceed 2,500. In no case may the benefits of insurance under this section exceed the maximum dollar amount established under section 203(b)(2) for a 1-family residence. — Termination date

"(h) ADMINISTRATIVE AUTHORITY.—The Secretary may—

"(1) enter into such contracts and agreements with Federal, State, and local agencies, public and private entities, and such other persons as the Secretary determines to be necessary or desirable to carry out the purposes of this section; and — 101 STAT. 1911

"(2) make such investigations and studies of data, and publish and distribute such reports, as the Secretary determines to be appropriate. — Reports

"(i) PROTECTION OF HOMEOWNER AND LENDER.—

"(1) Notwithstanding any other provision of law, and in order to further the purposes of the demonstration program authorized in this section, the Secretary shall take any action necessary—

"(A) to provide any mortgagor under this section with funds to which the mortgagor is entitled under the insured mortgage or ancillary contracts but that the mortgagor has not received because of the default of the party responsible for payment; — Contracts

"(B) to obtain repayment of disbursements provided under subparagraph (A) from any source; and

"(C) to provide any mortgagee under this section with funds not to exceed the limitations in subsection (g) to which the mortgagee is entitled under the terms of the insured mortgage or ancillary contracts authorized in this section. — Contracts

"(2) Actions under paragraph (1) may include—

"(A) disbursing funds to the mortgagor or mortgagee from the General Insurance Fund;

"(B) accepting an assignment of the insured mortgage notwithstanding that the mortgagor is not in default under its terms, and calculating the amount and making the payment of the insurance claim on such assigned mortgage;

"(C) requiring a subordinate mortgage from the mortgagor at any time in order to secure repayments of any funds advanced or to be advanced to the mortgagor;

"(D) requiring a subrogation to the Secretary of the rights of any parties to the transaction against any defaulting parties; and

"(E) imposing premium charges.

Loans

"(j) SAFEGUARD TO PREVENT DISPLACEMENT OF HOMEOWNER.—The Secretary may not insure a home equity conversion mortgage under this section unless such mortgage provides that the homeowner's obligation to satisfy the loan obligation is deferred until the homeowner's death, the sale of the home, or the occurrence of other events specified in regulations of the Secretary. For purposes of this subsection, the term 'homeowner' includes the spouse of a homeowner.

"(k) REPORTS TO CONGRESS.—

"(1) The Secretary shall, not later than September 30, 1989, submit an interim report to Congress describing—

"(A) design and implementation of the demonstration;

"(B) number and types of reverse mortgages written to date;

"(C) profile of participant homeowner-borrowers, including incomes, home equity, and regional distribution; and

Taxes.
Insurance.
Securities.
Banks and banking.

"(D) problems encountered in implementation, including impediments associated with State or Federal laws or regulations governing taxes, insurance, securities, public benefits, banking, and any other problems in implementation that the Secretary encounters.

101 STAT. 1912

"(2) Not later than March 30, 1992, the Secretary shall submit to Congress a preliminary evaluation of the program authorized in this section. Such evaluation shall include an updated report on the matters referred to in paragraph (1) and shall in addition—

"(A) describe the types of mortgages appropriate for inclusion in such program;

"(B) describe any changes in the insurance programs under this title, or in other Federal regulatory provisions, determined to be appropriate;

Insurance.

"(C) describe any risk created under such mortgages to mortgagors and mortgagees or the insurance programs under this title, and whether the risk is adequately covered by the premiums under the insurance programs;

Aged persons.

"(D) evaluate whether such program has improved the financial situation or otherwise met the special needs of participating elderly homeowners;

"(E) evaluate whether such program has included appropriate safeguards for mortgagors to offset the special risks of such mortgages; and

"(F) evaluate whether home equity conversion mortgages have a potential for acceptance in the mortgage markets.

"(3) The preliminary evaluation shall incorporate comments and recommendations solicited by the Secretary from the Board of Governors of the Federal Reserve System, the Secretary of Health and Human Services, the Federal Council on Aging, Federal Home Loan Bank Board, the Comptroller of the Currency, and the National Credit Union Administration Board regarding any of the matters referred to in paragraph (1) or (2).

"(4) Following submission of the preliminary evaluation, the

Secretary shall, on a biennial basis, submit to the Congress an updated report and evaluation covering the period since the most recent report under this subsection and shall include analysis of the repayment of the home equity conversion mortgages under this demonstration during such period.".

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall— 12 USC 1715z-20 note

(1) not later than 6 months after the date of enactment of this Act, consult with lenders, insurers, and organizations and individuals with expertise in home equity conversion in developing proposed regulations implementing section 254 of the National Housing Act; and

(2) not later than 9 months after the date of the enactment of this Act, issue proposed regulations implementing section 254 of the National Housing Act.

SEC. 418. ASSURANCE OF ADEQUATE PROCESSING OF APPLICATIONS FOR LOAN AND MORTGAGE INSURANCE.

Title V of the National Housing Act (as amended by section 407 of this Act) is amended by adding at the end the following new section:

"ASSURANCE OF ADEQUATE PROCESSING OF APPLICATIONS FOR LOAN AND MORTGAGE INSURANCE

"SEC. 534. In order to ensure the adequate processing of applications for insurance of loans and mortgages under this Act, the Secretary shall maintain not less than one office in each State to carry out the provisions of this Act.". 12 USC 1735f-12

101 STAT. 1913

SEC. 419. PROHIBITION OF LENDER REQUIREMENTS DISCOURAGING LOANS WITH LOWER PRINCIPAL AMOUNTS.

(a) LOAN AMOUNT OF ORIGINAL LOANS.—Title V of the National Housing Act (as amended by sections 407 and 418 of this Act) is further amended by adding at the end the following new section:

"PROHIBITION OF REQUIREMENT OF MINIMUM PRINCIPAL LOAN AMOUNT

"SEC. 535. A mortgagee or lender may not require, as a condition of providing a loan insured under this Act or secured by a mortgage insured under this Act, that the principal amount of the loan exceed a minimum amount established by the mortgagee or lender.". 12 USC 1735f-13

(b) LOAN AMOUNT OF REFINANCINGS.—Section 223(a)(7) of the National Housing Act (as amended by section 408 of this Act) is further amended by striking "; and (B)" and inserting the following: "; (B) a mortgagee may not require a minimum principal amount to be outstanding on the loan secured by the existing mortgage; and (C)". 12 USC 1715n

(c) STUDY OF OTHER LENDING PRACTICES.—During the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the interest rates and discount points charged for mortgages and loans insured under the National Housing Act. The study shall be designed to identify any pattern or practice of charging higher interest rates or discount points for mortgages or loans with lower principal amounts than for mortgages or loans with the maximum principal amounts permitted for insurance under the National Housing Act. Not later than 3 months after the expiration of the 6-month period, the Secretary shall submit to the Congress a report setting forth the findings and recommendations of the Secretary. Reports.

SEC. 420. REPEAL OF REQUIREMENT TO PUBLISH PROTOTYPE HOUSING COSTS FOR 1- TO 4-FAMILY DWELLING UNITS.

The Housing and Community Development Act of 1977 is amended by striking section 904. 42 USC 3540.

SEC. 421. DOUBLE DAMAGES REMEDY FOR UNAUTHORIZED USE OF MULTIFAMILY HOUSING PROJECT ASSETS AND INCOME.

12 USC 1715z-4a

(a) ACTION TO RECOVER ASSETS OR INCOME.—

(1) The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of (A) a regulatory agreement that applies to a multifamily project whose mortgage is insured or held by the Secretary under title II of the National Housing Act; or (B) any applicable regulation. For purposes of this section, a use of assets or income in violation of the regulatory agreement or any applicable regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project and has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

101 STAT. 1914

(2) For purposes of a mortgage insured or held by the Secretary under title II of the National Housing Act, the term "any person" shall mean any person or entity which owns a project, as identified in the regulatory agreement, including but not limited to any stockholder holding 25 percent or more interest of a corporation that owns the project; any beneficial owner under any business or trust; any officer, director, or partner of an entity owning the project; and any heir, assignee, successor in interest, or agent of any owner.

(b) INITIATION OF PROCEEDINGS AND TEMPORARY RELIEF.—The Attorney General, upon request of the Secretary, shall have the exclusive authority to authorize the initiation of proceedings under this section. Pending final resolution of any action under this section, the court may grant appropriate temporary or preliminary relief, including restraining orders, injunctions, and acceptance of satisfactory performance bonds, to protect the interests of the Secretary and to prevent use of assets or income in violation of the regulatory agreement and any applicable regulation and to prevent loss of value of the realty and personalty involved.

(c) AMOUNT RECOVERABLE.—In any judgment favorable to the United States entered under this section, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the regulatory agreement or any applicable regulation, plus all costs relating to the action, including but not limited to reasonable attorney and auditing fees. Notwithstanding any other provision of law, the Secretary may apply the recovery, or any portion of the recovery, to the project or to the applicable insurance fund under the National Housing Act.

(d) TIME LIMITATION.—Notwithstanding any other statute of limitations, the Secretary may request the Attorney General to bring an action under this section at any time up to and including 6 years after the latest date that the Secretary discovers any use of project assets and income in violation of the regulatory agreement or any applicable regulation.

(e) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided by this section is in addition to any other remedies available to the Secretary or the United States.

SEC. 422. MISCELLANEOUS MORTGAGE INSURANCE PROVISIONS.

12 USC 1715y.

(a) MORTGAGE INSURANCE FOR CONDOMINIUMS.—Section 234(e)(3) of the National Housing Act is amended by inserting after "design;" the following: "except that each of the foregoing dollar amounts is increased to the amount established for a comparable unit in section 221(d)(3)(ii);".

12 USC 1709.

(b) MORTGAGE INSURANCE FOR CERTAIN PROPERTIES WITHIN AN INDIAN RESERVATION.—Section 203(q)(1) of the National Housing Act

is amended by striking "Secretary may" and inserting "Secretary shall".

SEC. 423. CALCULATION OF MAXIMUM MORTGAGE AMOUNT UNDER SINGLE FAMILY INSURANCE PROGRAM.

Section 203(b)(2) of the National Housing Act is amended by inserting after the first sentence the following: "For purposes of the preceding sentence, the term 'area' means a county, or a metropolitan statistical area as established by the Office of Management and Budget, whichever results in the higher dollar amount.".

101 STAT. 1915

SEC. 424. APPROVAL OF INDIVIDUAL RESIDENTIAL WATER PURIFICATION OR TREATMENT UNITS.

12 USC 1701z-15.

(a) IN GENERAL.—When the existing water supply does not meet the minimum property standards established by the Department of Housing and Urban Development and a permanent alternative acceptable water supply is not available, a continuous supply of water may be provided through the use of approved residential water treatment equipment or a water purification unit that provides bacterially and chemically safe drinking water.

(b) APPROVAL PROCESS.—A performance-based approval of the equipment or unit and the maintenance, monitoring, and replacement plan for such equipment or unit shall be certified by field offices of the Department of Housing and Urban Development based upon general standards recognized by the Department as modified for local or regional conditions. As a part of such approved plan, a separate monthly escrow account may be required to be established through the lender to cover the cost of the approved yearly maintenance and monitoring schedule and projected replacement of the equipment or unit.

SEC. 425. REGULATION OF RENTS IN INSURED PROJECTS.

12 USC 1715z-1c.

After December 1, 1987, the Secretary of Housing and Urban Development shall control rents and charges as they were controlled prior to April 19, 1983, for any multifamily housing project insured under the National Housing Act if—

(1) during the period of April 19, 1983, through December 1, 1987, the project owner and the Secretary have not executed, and the project owner has not filed a written request with the Secretary to enter into, an amendment to the regulatory agreement pursuant to regulations published by the Secretary on April 19, 1983, or June 4, 1986, electing to deregulate rents or utilize an alternative formula for determining the maximum allowable rents pursuant to regulations published by the Secretary on April 19, 1983, or June 4, 1986; and

(2)(A) the project was, as of December 1, 1987, receiving a housing assistance payment under a contract pursuant to section 8 of the United States Housing Act of 1937 (other than under the existing housing certificate program of section 8(b)(1) of such Act); or

(B) not less than 50 percent of the units in the project are occupied by lower income families (as defined in section 3(a)(2) of the United States Housing Act of 1937).

SEC. 426. MORTGAGE LIMITS FOR MULTIFAMILY PROJECTS.

(a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act is amended— 12 USC 1713.

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(b) SECTION 213 LIMITS.—Section 213(b)(2) of the National Housing Act is amended— 12 USC 1715e.

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

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(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(c) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act is amended— 12 USC 1715k.

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(d) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act is amended by striking out "$21,563"; "$24,862"; "$29,984"; "$38,379"; "$42,756"; "$22,692"; "$26,012"; "$31,631"; "$40,919"; and "$44,917" and inserting in lieu thereof "$28,032"; "$32,321"; "$38,979"; "$49,893"; "$55,583"; "$29,500"; "$33,816"; "$41,120"; "$53,195"; and "$58,392", respectively. 12 USC 1715*l*.

(e) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act of 1934 is amended by striking out "$19,406"; "$22,028"; "$26,625"; "$33,420"; "$37,870"; "$20,962"; "$24,030"; "$29,220"; "$37,800"; and "$41,494" and inserting in lieu thereof "$25,228"; "$28,636"; "$34,613"; "$43,446"; "$49,231"; "$27,251"; "$31,239"; "$37,986"; "$49,140"; and "$53,942", respectively.

(f) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act is amended— 12 USC 1715v.

(1) by striking out "$18,450", "$20,625", "$24,630", "$29,640", and "$34,846" and inserting in lieu thereof "$23,985", "$26,813", "$32,019", "$38,532", and "$45,300", respectively; and

(2) by striking out "$20,962", "$24,030", "$29,220", "$37,800", and "$41,494" and inserting in lieu thereof "$27,251", "$31,239", "$37,986", "$49,140", and "$53,942", respectively.

(g) SECTION 234 LIMITS.—Section 234(e)(3) of the National Housing Act is amended— 12 USC 1715y.

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(h) LIMITS FOR MULTIFAMILY PROJECTS IN HIGH-COST AREAS.—Section 207(c)(3), the second proviso of section 213(b)(2), the first proviso of section 220(d)(3)(B)(iii), section 221(d)(3)(ii), section 221(d)(4)(ii), section 231(c)(2), and section 234(e)(3) of the National Housing Act are each amended by striking "not to exceed 75 per centum" and all that follows through "involved) in such an area" and inserting the following: "not to exceed 110 percent in any geographical area where the Secretary finds that cost levels so require and by not to exceed 140 percent where the Secretary determines it necessary on a project-by-project basis, but in no case may any such increase exceed 90 percent where the Secretary determines that a mortgage purchased or to be purchased by the Government National Mortgage Association in implementing its special assistance functions under section 305 of this Act (as such section existed immediately before November 30, 1983) is involved". 12 USC 1713, 1715e, 1715k, 1715*l*, 1715v, 1715y.

SEC. 427. OPERATING LOSS LOAN INSURANCE.

Section 223(d) of the National Housing Act is amended— 12 USC 1715n.

101 STAT. 1917

(1) by inserting "(1)" after the subsection designation;

(2) by striking the first and second sentences and inserting the following:

"Notwithstanding any other provision of this Act, the Secretary is authorized to insure loans made to cover the operating losses of certain projects that have existing project mortgages insured by the Secretary. Insurance under this subsection shall be in the Secretary's discretion and upon such terms and conditions as the

Secretary may prescribe, and shall be provided in accordance with the provisions of this subsection. For purposes of this subsection, the term 'operating loss' means the amount by which the sum of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project covered by the mortgage, exceeds the income of the project.

"(2) To be eligible for insurance pursuant to this paragraph—

"(A) the existing project mortgage (i) shall have been insured by the Secretary at any time before or after the date of enactment of the Housing and Community Development Act of 1987; and (ii) shall cover any property, other than a property upon which there is located a 1- to 4-family dwelling;

"(B) the operating loss shall have occurred during the first 24 months after the date of completion of the project, as determined by the Secretary; and

"(C) the loan shall be in an amount not exceeding the operating loss.

"(3) To be eligible for insurance pursuant to this paragraph—

"(A) the existing project mortgage (i) shall have been insured by the Secretary at any time before or after the date of enactment of the Housing and Community Development Act of 1987; (ii) shall cover any property, other than a property upon which there is located a 1- to 4-family dwelling; and (iii) shall not cover a subsidized project, as defined by the Secretary;

"(B) the loan shall be in an amount not exceeding 80 percent of the unreimbursed cash contributions made on or after March 18, 1987, by the project owner for the use of the project, during any period of consecutive months (not exceeding 24 months) in the first 10 years after the date of completion of the project, as determined by the Secretary, except that in no event may the amount of the loan exceed the operating loss during such period;

"(C) the loan shall be made within 10 years after the end of the period of consecutive months referred to in the preceding subparagraph; and

"(D) the project shall meet all applicable underwriting and other requirements of the Secretary at the time the loan is to be made.

"(4) Any loan insured pursuant to this subsection shall (A) bear interest at such rate as may be agreed upon by the mortgagor and mortgagee; (B) be secured in such manner as the Secretary shall require; (C) be limited to a term not exceeding the unexpired term of the original mortgage; and (D) be insured under the same section as the original mortgage. The Secretary may provide insurance pursuant to paragraph (2) or (3), or pursuant to both such paragraphs, in connection with an existing project mortgage, except that the Secretary may not provide insurance pursuant to both such paragraphs 101 STAT. 1918
in connection with the same period of months referred to in paragraphs (2)(B) and (3)(B)." ; and

(3) by inserting "(5)" before "A loan" at the beginning of the undesignated paragraph at the end.

SEC. 428. INTEREST CHARGES ON TEMPORARY MORTGAGE ASSISTANCE PAYMENTS AND ASSIGNMENT OR OTHER ASSISTANCE.

Section 230(a)(5) of the National Housing Act is amended by striking the third sentence and inserting the following: "The interest rate on payments made under this subsection shall be the rate established under section 1803(c) of title 38, United States Code. The interest rate to be charged shall be determined when the Secretary approves assistance under this subsection.". 12 USC 1715u.

SEC. 429. MORTGAGE INSURANCE TECHNICAL AMENDMENTS.

(a) ADMINISTRATIVE PROVISIONS.—The second sentence of section 1 of the National Housing Act is amended by striking the last comma. 12 USC 1702.

12 USC 1706d

(b) APPLICABILITY.—Section 9 of the National Housing Act is amended by inserting the following section heading:

"APPLICABILITY".

12 USC 1709, 1715z-5

(c) LOAN INSURANCE PROGRAMS.—Sections 203(k)(3)(B) and 241(b)(3) of the National Housing Act are amended—

(1) by striking "mortgagor" each place it appears and inserting "borrower"; and

(2) by striking "mortgagee" each place it appears and inserting "financial institution".

(d) MISCELLANEOUS HOUSING INSURANCE.—

12 USC 1715n

(1) Section 223(a)(7) of the National Housing Act is amended—

(A) in the first proviso, by striking "a rate not in excess of the maximum rate prescribed under the applicable section or title of this Act" and inserting the following: "such rate as may be agreed upon by the mortgagor and the mortgagee";

(B) in the second proviso, by striking "maturity, a principal obligation, and an interest rate" and inserting the following: "maturity and a principal obligation"; and

(C) by inserting before the semicolon at the end the following: ", and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee".

(2) Section 223(d)(1) of the National Housing Act is amended by striking "bear interest (exclusive of premium charges for insurance) at not to exceed the per centum per annum currently permitted for mortgages insured under the section under which it is to be insured" and inserting the following: "bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee".

(e) INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.—

12 USC 1715w

(1) Section 232(b) of the National Housing Act is amended—

(A) by indenting as a separate paragraph (in the same manner as paragraph (1)) "(3) a nursing" and all that follows through "day; and";

(B) in such new paragraph (3)—

(i) by inserting "the term" after the paragraph designation; and

101 STAT. 1919

(ii) by striking "and" at the end;

(C) by redesignating the second paragraph (3) as paragraph (4); and

(D) by redesignating paragraph (4) as paragraph (5).

12 USC 1715w

(2) Section 232(i)(2)(B) of the National Housing Act is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

12 USC 1715z-1

(f) MULTIFAMILY ASSISTANCE.—Section 236 of such Act is amended by striking out "(h)" in the last sentence of subsection (i)(1) and inserting in lieu thereof "(f)(4)".

(g) CO-INSURANCE.—

12 USC 1715z-9

(1) Section 244(g) of the National Housing Act is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(2) Section 244(h) of the National Housing Act is amended by striking "coinsurance" each place it appears and inserting "co-insurance".

12 USC 1715z-12

(h) INSURANCE ON HAWAIIAN HOME LANDS.—Section 247(a)(2) of the National Housing Act is amended by striking "Mortgagor" and inserting "mortgagor".

12 USC 1715z-13

(i) INSURANCE ON INDIAN RESERVATIONS.—Section 248 of the National Housing Act is amended—

(1) in subsection (a)(1), by striking "lands" and inserting "land";

(2) in subsection (a)(2), by striking "lands"; and

(3) in subsection (d), by striking "tribal or trust land" and inserting "trust or otherwise restricted land".

(j) SHARED APPRECIATION MORTGAGES.—Section 253 of the National Housing Act is amended— 12 USC 1715z-18.

(1) in subsection (b), by striking the fourth sentence and inserting the following: "For purposes of this section, the term 'net appreciated value' means the amount by which the sales price of the property (less the mortgagor's selling costs) exceeds the actual project cost after completion, as approved by the Secretary.";

(2) in the first sentence of subsection (c), by striking "204" and inserting "207"; and

(3) in subsection (c), by striking the last sentence and inserting the following: "The term 'original principal face amount of the mortgage' as used in section 207 shall not include the mortgagee's share of net appreciated value.".

(k) DEFENSE HOUSING FOR IMPACTED AREAS.—The first sentence of section 810(h) of the National Housing Act is amended— 12 USC 1748h-2.

(1) by striking "(exclusive of premium charges for insurance) at not to exceed the rate applicable to mortgages insured under section 207" and inserting the following: "at such rate as may be agreed upon by the mortgagor and the mortgagee"; and

(2) by striking "not to exceed the rate applicable to mortgages insured under section 203" and inserting the following: "such rate as may be agreed upon by the mortgagor and the mortgagee".

SEC. 430. RELEASE OF POOL FUNDS.

State and local governments. Contracts. 12 USC 1715z-1.

(a) SECTION 236.—Section 236 of the National Housing Act is amended by adding at the end thereof the following:

"(r) The Secretary shall, not later than 45 days after receipt of an application by the mortgagee, provide interest reduction and rental assistance payments for the benefit of projects assisted under this section whose mortgages were made by State or local housing finance agencies or State or local government agencies for a term equal to the remaining mortgage term to maturity on projects assisted under this section to the extent of— 101 STAT. 1920

"(1) unexpended balances of amounts of authority as set forth in certain letter agreements between the Department of Housing and Urban Development and such State or local housing finance agencies or State or local government agencies, and

"(2) existing allocation under section 236 contracts on projects whose mortgages were made by State or local housing finance agencies or State or local government agencies which are not being funded, to the extent of such excess allocation, for any purposes permitted under the provisions of this section, including without limitation rent supplement and rental assistance payment unit increases and mortgage increases for any eligible purpose under this section, including without limitation operating deficit loans.

An application shall be eligible for assistance under the previous sentence only if the mortgagee submits the application within 548 days after the effective date of this subsection, along with a certification of the mortgagee that amounts hereunder are to be utilized only for the purpose of either (A) reducing rents or rent increases to tenants, or (B) making repairs or otherwise increasing the economic viability of a related project. Unexpended balances referred to in the first sentence of this subsection which remain after disposition of all such applications is favorably concluded shall be rescinded. The calculation of the amount of assistance to be provided under an interest reduction contract pursuant to this subsection shall be made on the basis of an assumed mortgage term equal to the lesser of a 40-year amortization period or the term of that part of the mortgage which relates to the additional assistance provided under

this subsection, even though the additional assistance may be provided for a shorter period. The authority conferred by this subsection to provide interest reduction and rental assistance payments shall be available only to the extent approved in appropriation Acts.".

12 USC 1701s.

(b) RENT SUPPLEMENT PROGRAM.—Section 101 of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following:

"(m) The Secretary shall, not later than 45 days after receipt of an application by the mortgagee, provide interest reduction and rental assistance payments for the benefit of projects assisted under this section whose mortgages were made by State or local housing finance agencies or State or local government agencies for a term equal to the remaining mortgage term to maturity on projects assisted under this section to the extent of—

"(1) unexpended balances of amounts of authority as set forth in certain letter agreements between the Department of Housing and Urban Development and such State or local housing finance agencies or State or local government agencies, and

"(2) existing allocation under section 236 contracts on projects whose mortgages were made by State or local housing finance agencies or State or local government agencies which are not being funded, to the extent of such excess allocation, for any purposes permitted under the provisions of this section.

101 STAT. 1921

An application shall be eligible for assistance under the previous sentence only if the mortgagee submits the application within 548 days after the effective date of this subsection, along with a certification of the mortgagee that amounts are to be utilized hereunder for the purpose of either (A) reducing rents or rent increases to tenants, or (B) making repairs or otherwise increasing the economic viability of a related project. Unexpended balances referred to in the first sentence of this subsection which remain after disposition of all such applications is favorably concluded shall be rescinded. The authority conferred by this subsection to provide interest reduction and rental assistance payments shall be available only to the extent approved in appropriation Acts.".

Subtitle B—Secondary Mortgage Market Programs

SEC. 441. LIMITATIONS ON CERTAIN SECONDARY MORTGAGE MARKET FEES.

12 USC 1719.

(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—Section 304 of the Federal National Mortgage Association Charter Act is amended by adding at the end the following new subsection:

"(f) Except for fees paid pursuant to section 309(g), no fee or charge may be assessed or collected by the United States (including any executive department, agency, or independent establishment of the United States) on or with regard to the purchase, acquisition, sale, pledge, issuance, guarantee, or redemption of any mortgage, asset, obligation, trust certificate of beneficial interest, or other security by the corporation. No provision of this subsection shall affect the purchase of any obligation by the Secretary of the Treasury pursuant to subsection (c).".

12 USC 1455.

(b) FEDERAL HOME LOAN MORTGAGE CORPORATION.—Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end the following new subsection:

"(i) Except for fees paid pursuant to section 303(c) or 306(c), no fee or charge may be assessed or collected by the United States (including any executive department, agency, or independent establishment of the United States) on or with regard to the purchase,

acquisition, sale, pledge, issuance, guarantee, or redemption of any mortgage, asset, obligation, or other security by the Corporation. No provision of this subsection shall affect the purchase of any obligation by any Federal home loan bank pursuant to section 303(a).".

SEC. 442. FNMA CUMULATIVE VOTING.

Section 303(a) of the Federal National Mortgage Association Charter Act is amended by inserting after the first sentence the following new sentence: "The corporation may eliminate such rights of cumulative voting by a resolution adopted by its board of directors and approved by the holders of a majority of the shares of common stock voting in person or by proxy at the annual meeting, or other special meeting, at which such resolution is considered.". 12 USC 1718.

101 STAT. 1922

SEC. 443. PERMANENT AUTHORITY TO PURCHASE SECOND MORTGAGES ON SINGLE-FAMILY PROPERTIES.

(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—Section 302(b)(5)(A)(i) of the Federal National Mortgage Association Charter Act is amended by striking "through March 15, 1988,". 12 USC 1717.

(b) FEDERAL HOME LOAN MORTGAGE CORPORATION.—Section 305(a)(4)(A)(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking "through March 15, 1988,". 12 USC 1454.

SEC. 444. PERIOD FOR APPROVAL OF ACTIONS OF FNMA.

Section 309(i) of the Federal National Mortgage Association Charter Act is amended in the second sentence by inserting before the period at the end the following: ", but such 45-day period may not be extended for any other reason or for any period in addition to or other than such 15-day period". 12 USC 1723a.

SEC. 445. PROHIBITION OF LIMITATION ON FHLMC MORTGAGE OPERATIONS.

Section 305 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end the following new subsection: 12 USC 1454.

"(c) The Board of Directors may not impose any annual limitation on the maximum aggregate principal amount of mortgages purchased by the Corporation.".

SEC. 446. LIMITATION ON GNMA GUARANTEES OF MORTGAGE-BACKED SECURITIES.

Section 306(g)(2) of the Federal National Mortgage Association Charter Act is amended to read as follows: 12 USC 1721.

"(2) Notwithstanding any other provision of law and subject only to the absence of qualified requests for guarantees, to the authority provided in this subsection, and to any funding limitation approved in appropriation Acts, the Association shall enter into commitments to issue guarantees under this subsection in an aggregate amount of $150,000,000,000 for fiscal year 1988, and $156,000,000,000 for fiscal year 1989.".

TITLE V—COMMUNITY DEVELOPMENT AND MISCELLANEOUS PROGRAMS

Subtitle A—Community and Neighborhood Development and Preservation

Disadvantaged persons.

SEC. 501. COMMUNITY DEVELOPMENT AUTHORIZATIONS.

(a) COMMUNITY DEVELOPMENT BLOCK GRANTS.—The second sentence of section 103 of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for purposes of assistance under sections 106 and 107 $3,000,000,000 for fiscal year 1988, and $3,000,000,000 for fiscal year 1989.". 42 USC 5303.

(b) DISCRETIONARY FUND.—

(1) The first sentence of section 107(a) of the Housing and Community Development Act of 1974 is amended to read as follows: "Of the total amount provided in appropriation Acts under section 103 for fiscal years 1988 and 1989, $60,000,000 may be set aside in each year in a special discretionary fund for grants under subsection (b).".

42 USC 5307.

101 STAT. 1923

(2) Section 107 of the Housing and Community Development Act of 1974 is amended—

42 USC 5307.

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following new subsection:

Grants.

"(c) Of the amount set aside for use under subsection (b) in any fiscal year, the Secretary shall, to the extent approved in appropriation Acts, make available not less than $3,000,000 in the form of grants to institutions of higher education, either directly or through areawide planning organizations or States, for the purpose of providing assistance to economically disadvantaged and minority students who participate in community development work study programs and are enrolled in full-time graduate or undergraduate programs in community and economic development, community planning, or community management.".

(c) URBAN DEVELOPMENT ACTION GRANTS.—Section 119(a) of the Housing and Community Development Act of 1974 is amended by striking the second and last sentences and inserting the following new sentences: "There are authorized to be appropriated to carry out this section $225,000,000 for fiscal year 1988, and $225,000,000 for fiscal year 1989. Any amount appropriated under this subsection shall remain available until expended.".

42 USC 5318.

SEC. 502. TARGETING OF BENEFITS TO PERSONS OF LOW AND MODERATE INCOME.

(a) PRIMARY OBJECTIVE.—Section 101(c) of the Housing and Community Development Act of 1974 is amended in the second sentence by striking "51 percent" and inserting "60 percent".

42 USC 5301.

(b) SPECIFIC OBJECTIVES.—Section 101(c)(6) of the Housing and Community Development Act of 1974 is amended by striking "to attract persons of higher income".

(c) CERTIFICATION.—Section 104(b)(3) of the Housing and Community Development Act of 1974 is amended by striking "51 percent" and inserting "60 percent".

42 USC 5304.

State and local governments.

SEC. 503. CITY AND COUNTY CLASSIFICATIONS.

(a) METROPOLITAN CITY.—Section 102(a)(4) of the Housing and Community Development Act of 1974 is amended—

42 USC 5302.

(1) in the second sentence, by striking "March 15, 1988" and inserting "September 30, 1989";

(2) by striking out the third sentence and inserting in lieu thereof the following: "Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Secretary, defer its classification as a metropolitan city for all purposes under this title, if it elects to have its population included in an urban county under subsection (d). Notwithstanding the second sentence of this paragraph, a city may elect not to retain its classification as a metropolitan city for fiscal year 1988 or 1989."; and

(3) by adding at the end thereof the following new sentence: "Any city classified as a metropolitan city pursuant to the first or second sentence of this paragraph, and that no longer qualifies as a metropolitan city under such first or second sentence in a fiscal year beginning after fiscal year 1989, shall retain its classification as a metropolitan city for such fiscal year and the succeeding fiscal year, except that in such succeeding fiscal year

101 STAT. 1924

(A) the amount of the grant to such city shall be 50 percent of the amount calculated under section 106(b); and (B) the remaining 50 percent shall be added to the amount allocated under section 106(d) to the State in which the city is located and the city shall be eligible in such succeeding fiscal year to receive a distribution from the State allocation under section 106(d) as increased by this sentence.".

(b) URBAN COUNTY.—Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended to read as follows: 42 USC 5302.

"(6)(A) The term 'urban county' means any county within a metropolitan area which—

"(i) is authorized under State law to undertake essential community development and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and

"(ii) either—

"(I) has a population of 200,000 or more (excluding the population of metropolitan cities therein) and has a combined population of 100,000 or more (excluding the population of metropolitan cities therein) in such unincorporated areas and in its included units of general local government (and in the case of counties having a combined population of less than 200,000, the areas and units of general local government must include the areas and units of general local government which in the aggregate have the preponderance of the persons of low and moderate income who reside in the county) (a) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded, or (b) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities, or

"(II) has a population in excess of 100,000, a population density of at least 5,000 persons per square mile, and contains within its boundaries no incorporated places as defined by the United States Bureau of the Census.

"(B) In order to permit an orderly transition of each county losing its classification as an urban county by reason of a decrease in population, any county classified as or deemed to be an urban county under this paragraph for purposes of receiving assistance under any section of this title for fiscal year 1983 or subsequent years shall retain such qualification for purposes of receiving such assistance through September 30, 1989, or for such longer period covered by a cooperation agreement entered into during fiscal year 1984, except that the provisions of this subparagraph shall not apply with respect to any county losing its classification as an urban county by reason of the election of any unit of general local government included in such county to have its population excluded under clause (ii)(I)(a) of subparagraph (A) or to not renew a cooperation agreement under clause (ii)(I)(b) of such subparagraph.

"(C) Notwithstanding the combined population amount set forth in clause (ii) of subparagraph (A), a county shall also qualify as an urban county for purposes of assistance under section 106 if such county— 101 STAT. 1925

"(i) complies with all other requirements set forth in the first sentence;

"(ii) has, according to the most recent available decennial census data, a combined population between 190,000 and 199,999, inclusive (excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county;

"(iii) had a population growth rate of not less than 15 percent during the most recent 10-year period measured by applicable censuses; and

"(iv) has submitted data satisfactory to the Secretary that it has a combined population of not less than 200,000 (excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county.

"(D) Such term also includes a county that—

Water.

"(i) has a combined population in excess of 175,000, has more than 50 percent of the housing units of the area unsewered, and has an aquifer that was designated before March 1, 1987, a sole source aquifer by the Environmental Protection Agency;

"(ii) has taken steps, which include at least one public referendum, to consolidate substantial public services with an adjoining metropolitan city, and in the opinion of the Secretary, has consolidated these services with the city in an effort that is expected to result in the unification of the two governments within 6 years of the date of enactment of the Housing and Community Development Act of 1987; or

"(iii) had a population between 180,000 and 200,000 on October 1, 1987, was eligible for assistance under section 119 of the Housing and Community Development Act of 1974 in fiscal year 1986, and does not contain any metropolitan cities.

"(E) Any county classified as an urban county pursuant to subparagraph (A), (B), or (C) of this paragraph, and that no longer qualifies as an urban county under such subparagraph in a fiscal year beginning after fiscal year 1989, shall retain its classification as an urban county for such fiscal year and the succeeding fiscal year, except that in such succeeding fiscal year (i) the amount of the grant to such an urban county shall be 50 percent of the amount calculated under section 106(b); and (ii) the remaining 50 percent shall be added to the amount allocated under section 106(d) to the State in which the urban county is located and the urban county shall be eligible in such succeeding fiscal year to receive a distribution from the State allocation under section 106(d) as increased by this sentence.".

(c) INCLUSION OF UNITS OF GENERAL LOCAL GOVERNMENT IN URBAN COUNTIES.—Section 102(d) of the Housing and Community Development Act of 1974 is amended by striking the last sentence.

42 USC 5302.

SEC. 504. ELIGIBLE ACTIVITIES.

(a) ELIGIBLE ACTIVITIES.—Section 105(a)(15) of the Housing and Community Development Act of 1974 is amended by striking out "grants" both places it appears and inserting in lieu thereof "assistance".

42 USC 5305.

101 STAT. 1926

(b) ENERGY USE STRATEGIES.—Section 105(a)(16) of such Act is amended to read as follows:

42 USC 5305.

"(16) activities necessary to the development of energy use strategies related to a recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as—

"(A) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions; and

"(B) a statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;".

SEC. 505. STATEMENT OF ACTIVITIES AND REVIEW.

Section 104(a)(1) of the Housing and Community Development Act of 1974 is amended by striking out the last sentence. 42 USC 5304.

SEC. 506. ALLEVIATION OF LAKEFRONT FLOODING AND EROSION.

Section 104(b)(3) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "(A)" after "except that"; and

(2) by inserting before the semicolon at the end the following: "; and (B) a grantee that borders on the Great Lakes and that experiences significant adverse financial and physical effects due to lakefront erosion or flooding may include in the projected use of funds activities that are clearly designed to alleviate the threat posed, and rectify the damage caused, by such erosion or flooding if such activities will principally benefit persons of low and moderate income and the grantee certifies that such activities are necessary to meet other needs having a particular urgency".

SEC. 507. HOUSING ASSISTANCE PLANS.

(a) HOUSING PRESERVATION.—Section 104(c)(1) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) specifies activities that will be undertaken annually to minimize displacement and preserve or expand the availability of housing for persons of low and moderate income, such as the preservation of single room occupancy housing and the development by public and private nonprofit organizations of vacant properties that become available under in rem proceedings, and specifies separately the activities that will be undertaken for persons of low income and the activities that will be undertaken for persons of moderate income.". 101 STAT. 1927

(b) TECHNICAL AMENDMENTS.—Section 104(c)(1) of the Housing and Community Development Act of 1974 is amended— 42 USC 5304.

(1) by striking "lower income persons" each place it appears and inserting "persons of low and moderate income"; and

(2) in subparagraph (C)(ii), by striking "low-income persons" and inserting "persons of low and moderate income".

SEC. 508. CITIZEN PARTICIPATION PLAN. Grants.

Section 104(a) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"(3) A grant under section 106 may be made only if the grantee certifies that it is following a detailed citizen participation plan which—

"(A) provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which section 106 funds are proposed to be used, and in the case of a grantee described in section 106(a), provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;

"(B) provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by regulations of the Secretary, and relating to the actual use of funds under this title;

"(C) provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

"(D) provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the commu-

nity development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

"(E) provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

"(F) identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

This paragraph may not be construed to restrict the responsibility or authority of the grantee for the development and execution of its community development program.".

Grants.

SEC. 509. CONSERVING NEIGHBORHOODS AND HOUSING BY PROHIBITING DISPLACEMENT.

(a) IN GENERAL.—Section 104 of the Housing and Community Development Act of 1974 is amended—

(1) by redesignating subsections (d) through (j) as subsections (e) through (k), respectively; and

(2) by inserting after subsection (c) the following new subsection:

101 STAT. 1928

Grants.

"(d)(1) A grant under section 106 or 119 may be made only if the grantee certifies that it is following a residential antidisplacement and relocation assistance plan. A grantee receiving a grant under section 106(a) or section 119 shall so certify to the Secretary. A grantee receiving a grant under section 106(d) shall so certify to the State.

"(2) The residential antidisplacement and relocation assistance plan shall in connection with a development project assisted under section 106 or 119—

"(A) in the event of such displacement, provide that—

"(i) governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under section 8 of the United States Housing Act of 1937;

"(ii) such comparable replacement dwellings shall be designed to remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;

"(iii) relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and in the case of displaced persons of low and moderate income, provide either—

"(I) compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or

"(II) if elected by a family, a lump-sum payment equal to the capitalized value of the benefits available under subclause (I) to permit the household to secure participation in a housing cooperative or mutual housing association;

"(iv) persons displaced shall be relocated into comparable replacement housing that is—

"(I) decent, safe, and sanitary;

"(II) adequate in size to accommodate the occupants;

"(III) functionally equivalent; and

"(IV) in an area not subject to unreasonably adverse environmental conditions;

"(B) provide that persons displaced shall have the right to elect, as an alternative to the benefits under this subsection, to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) if such persons determine that it is in their best interest to do so; and

"(C) provide that where a claim for assistance under subparagraph (A)(iv) is denied by a grantee, the claimant may appeal to the Secretary in the case of a grant under section 106 or 119 or to the appropriate State official in the case of a grant under section 106(d), and that the decision of the Secretary or the State official shall be final unless a court determines the decision was arbitrary and capricious. Claims.

101 STAT. 1929

"(3) Paragraphs (2)(A)(i) and (2)(A)(ii) shall not apply in any case in which the Secretary finds, on the basis of objective data, that there is available in the area an adequate supply of habitable affordable housing for low and moderate income persons. A determination under this paragraph is final and nonreviewable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1988. 42 USC 5304 note.

SEC. 510. LIMITED NEW CONSTRUCTION OF HOUSING UNDER COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Section 105(a) of the Housing and Community Development Act of 1974 is amended— 42 USC 5305.

(1) by striking out "and" at the end of paragraph (17);

(2) by striking out the period at the end of paragraph (18) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(19) provision of assistance to facilitate substantial reconstruction of housing owned and occupied by low and moderate income persons (A) where the need for the reconstruction was not determinable until after rehabilitation under this section had already commenced, or (B) where the reconstruction is part of a neighborhood rehabilitation effort and the grantee (i) determines the housing is not suitable for rehabilitation, and (ii) demonstrates to the satisfaction of the Secretary that the cost of substantial reconstruction is significantly less than the cost of new construction and less than the fair market value of the property after substantial reconstruction.".

SEC. 511. AVAILABILITY OF COMMUNITY DEVELOPMENT BLOCK GRANTS FOR UNIFORM EMERGENCY TELEPHONE NUMBER SYSTEMS.

Section 105(c)(2) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The requirements of subparagraph (A) do not prevent the use of assistance under this title for the development, establishment, and operation for not to exceed 2 years after its establishment of a uniform emergency telephone number system if the Secretary determines that—

"(i) such system will contribute substantially to the safety of the residents of the area served by such system;

"(ii) not less than 51 percent of the use of the system will be by persons of low and moderate income; and

"(iii) other Federal funds received by the grantee are not available for the development, establishment, and operation of such system due to the insufficiency of the amount of such funds, the restrictions on the use of such funds, or the prior commitment of such funds for other purposes by the grantee.

The percentage of the cost of the development, establishment, and operation of such a system that may be paid from assistance under this title and that is considered to benefit low and moderate income persons is the percentage of the population to be served that is made up of persons of low and moderate income.".

101 STAT. 1930

SEC. 512. STATE CERTIFICATIONS FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANTS FOR NONENTITLEMENT AREAS.

Section 106(d)(2) of the Housing and Community Development Act of 1974 is amended—

42 USC 5306.

(1) in subparagraph (C), by striking "the Governor must certify that the State" and inserting "the State must certify that it"; and

(2) in subparagraph (D), by striking "the Governor of each State" and inserting "the State".

SEC. 513. ADMINISTRATIVE EXPENSES OF STATES DISTRIBUTING FUNDS TO NONENTITLEMENT AREAS.

Section 106(d)(3)(A) of the Housing and Community Development Act of 1974 is amended by striking "$102,000" and inserting "$100,000".

SEC. 514. COMMUNITY DEVELOPMENT BLOCK GRANT LOAN GUARANTEES.

(a) LIMITATION ON COMMITMENTS.—The last sentence of section 108(a) of the Housing and Community Development Act of 1974 is amended—

42 USC 5308.

(1) by striking "during fiscal year 1984"; and

(2) by striking "$225,000,000" and inserting "$150,000,000 during fiscal year 1988, and $153,000,000 during fiscal year 1989".

(b) PROHIBITION ON FEES.—Section 108 of the Housing and Community Development Act of 1974 is amended by adding at the end the following new subsection:

"(m) No fee or charge may be imposed by the Secretary or any other Federal agency on or with respect to a guarantee made by the Secretary under this section after the date of the enactment of the Housing and Community Development Act of 1987.".

(c) ELIGIBLE USES OF LOAN GUARANTEES.—Section 108(a) of the Housing and Community Development Act of 1974 is amended in the first sentence—

(1) by inserting "(1)" after "purposes of financing"; and

(2) by inserting before the period at the end the following: "; (2) housing rehabilitation; or (3) economic development activities permitted under paragraphs (14), (15), and (17) of section 105(a)".

SEC. 515. URBAN DEVELOPMENT ACTION GRANT SELECTION CRITERIA.

(a) PROJECT QUALITY CRITERIA.—Section 119(d)(1) of the Housing and Community Development Act of 1974 is amended—

42 USC 5318.

(1) by inserting a dash before "(A)";

(2) by indenting subparagraphs (A) and (B) in the same manner as subparagraphs (C) and (D), as inserted by this subsection;

(3) in subparagraph (A), by striking out "as the primary criterion,";

(4) by striking out "and" at the end of subparagraph (B); and

(5) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs:

"(C) the following other criteria:

Employment and unemployment.

"(i) the extent to which the grant will stimulate economic recovery by leveraging private investment; 101 STAT. 1931

"(ii) the number of permanent jobs to be created and their relation to the amount of grant funds requested;

"(iii) the proportion of permanent jobs accessible to lower income persons and minorities, including persons who are unemployed;

"(iv) the extent to which the project will retain jobs that will be lost without the provision of a grant under this section;

"(v) the extent to which the project will relieve the most pressing employment or residential needs of the applicant by—

"(I) reemploying workers in a skill that has recently suffered a sharp increase in unemployment locally;

"(II) retraining recently unemployed residents in new skills;

"(III) providing training to increase the local pool of skilled labor; or

"(IV) producing decent housing for low- and moderate-income persons in cases where such housing is in severe shortage in the area of the applicant, except that an application shall be considered to produce housing for low- and moderate-income persons under this clause only if such application proposes that (a) not less than 51 percent of all funds available for the project shall be used for dwelling units and related facilities; and (b) not less than 30 percent of all funds used for dwelling units and related facilities shall be used for dwelling units to be occupied by persons of low and moderate income, or not less than 20 percent of all dwelling units made available to occupancy using such funds shall be occupied by persons of low and moderate income, whichever results in the occupancy of more dwelling units by persons of low and moderate income;

"(vi) the impact of the proposed activities on the fiscal base of the city or urban county and its relation to the amount of grant funds requested;

"(vii) the extent to which State or local Government funding or special economic incentives have been committed; and State and local governments.

"(viii) the extent to which the project will have a substantial impact on physical and economic development of the city or urban county, the proposed activities are likely to be accomplished in a timely fashion with the grant amount available, and the city or urban county has demonstrated performance in housing and community development programs; and

"(D) additional consideration for projects with the following characteristics:

"(i) projects to be located within a city or urban county which did not receive a preliminary grant approval under this section during the 12-month period preceding the date on which applications are required to be submitted for the grant competition involved; and

"(ii) twice the amount of the additional consideration provided under clause (i) for projects to be located in cities or urban counties which did not receive a preliminary grant approval during the 24-month period preceding the date on which applications under this section are required to be submitted for the grant competition involved. 101 STAT. 1932

If a city or urban county has submitted and has pending more than one application, the additional consideration provided by subparagraph (D) of the preceding sentence shall be available only to the project in such city or urban county which received the highest number of points under subparagraph (C) of such sentence.".

42 USC 5318.

(b) SELECTION LIMITATIONS AND CRITERIA WEIGHT.—Section 119(d) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following new paragraphs:

"(3) The Secretary shall award points to each application as follows:

"(A) not more than 35 points on the basis of the criteria referred to in paragraph (1)(A);

"(B) not more than 35 points on the basis of the criteria referred to in paragraph (1)(B);

"(C) not more than 33 points on the basis of the criteria referred to in paragraph (1)(C); and

"(D)(i) 1 additional point on the basis of the criterion referred to in paragraph (1)(D)(i); or

"(ii) 2 additional points on the basis of the criterion referred to in paragraph (1)(D)(ii).

"(4) The Secretary shall distribute grant funds under this section so that to the extent practicable during each funding cycle—

"(A) 65 percent of the funds is first made available utilizing all of the criteria set forth in paragraph (1); and

"(B) 35 percent of the funds is then made available solely on the basis of the factors referred to in subparagraphs (C) and (D) of paragraph (1).

"(5)(A) Within 30 days of the start of each fiscal year, the Secretary shall announce the number of competitions for grants to be held in that fiscal year. The number of competitions shall be not less than two nor more than three.".

"(B) Each competition for grants described in any clause of subparagraph (A) shall be for an amount equal to the sum of—

"(i) approximately the amount of the funds available for such grants for the fiscal year divided by the number of competitions for those funds;

"(ii) any funds available for such grants in any previous competition that are not awarded; and

"(iii) any funds available for such grants in any previous competition that are recaptured.

"(6) In an application under this subsection, an urban county may use data relating to the criteria under paragraph (1) that reflect distress conditions of census tracts within a radius of 15 miles of the proposed project and within that urban county and in metropolitan cities within that urban county, except that if any data reflecting conditions in a metropolitan city with a population of 100,000 or more are included, then data reflecting conditions in any metropolitan city with a population of 75,000 or more may be used only with the consent of that metropolitan city.".

101 STAT. 1933

(c) USE OF REPAID GRANT FUNDS.—Section 119(f) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following: "In any case in which the project proposes the repayment to the applicant of the grant funds, such funds shall be made available by the applicant for economic development activities that are eligible activities under this section or section 104. The applicant shall annually provide the Secretary with a statement of the projected receipt and use of repaid grant funds during the next year together with a report acceptable to the Secretary on the use of such funds during the most recent preceding full fiscal year of the applicant.".

42 USC 5318.

(d) NONDISCRIMINATION.—Section 119(r) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(r) In utilizing the discretion of the Secretary when providing assistance and applying selection criteria under this section, the Secretary may not discriminate against applications on the basis of (1) the type of activity involved, whether such activity is primarily housing, industrial, or commercial; or (2) the type of applicant, whether such applicant is a city or urban county.".

42 USC 5318 note.

(e) REPORTS OF COMPTROLLER GENERAL.—

(1)(A) Not later than the expiration of the 1-year period following the date of enactment of this Act and every 3 years

thereafter, the Comptroller General of the United States shall prepare and submit to the Congress a comprehensive report evaluating the eligibility standards and selection criteria applicable under section 119 of the Housing and Community Development Act of 1974.

(B) Such report shall evaluate in detail the standards and criteria specified in such section that measure the level or comparative degree of economic distress of cities and urban counties and the effect of the grants awarded on the basis of such standards and criteria on stimulating the maximum economic development activity.

(C) Such report shall also evaluate in detail the extent to which the economic and social data utilized by the Secretary in awarding grants under such section is current and accurate, and shall compare the data used by the Secretary with other available data. The Comptroller General shall make recommendations to the Congress on whether or not other data should be collected by the Federal Government in order to fairly and accurately distribute grants under such section based on the level or comparative degree of economic distress. The Comptroller General shall also make recommendations on whether or not existing data should be collected more frequently in order to ensure that timely data is used to evaluate grant applications under such section.

Grants.

(2) Not later than the expiration of the 3-month period following the date of the final competition for grants for fiscal year 1988 under section 119 of the Housing and Community Development Act of 1974, the Comptroller General of the United States shall prepare and submit to the Congress a comprehensive report describing the effect of the amendments made by this section on—

(A) the targeting of grant funds to cities and urban counties having the highest level or degree of economic distress;

(B) the distribution of grants funds among regions of the United States;

(C) the number and types of projects receiving grants;

101 STAT. 1934

(D) the per capita funding levels for each city, urban county, or identifiable community described in subsection (p) of such section 119, receiving assistance under such section 119; and

(E) the stimulation of the maximum economic development activity.

42 USC 5318 note.

(f) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendments made by this section. Such regulations shall be published for comment in the Federal Register not later than 60 days after the date of enactment of this Act. The provisions of section 119(d)(1)(D), section 119(d)(3), and section 119(d)(4) of the Housing and Community Development Act of 1974, shall take effect on the date of enactment of this Act.

Federal Register, publication.

(g) APPLICABILITY.—

42 USC 5318 note.

(1) IN GENERAL.—The amendments made by this section shall be applicable to the making of urban development action grants that have not received the preliminary approval of the Secretary of Housing and Urban Development before the date on which final regulations issued by the Secretary under subsection (f) become effective. For the fiscal year in which the amendments made by this section become applicable, such amendments shall only apply with respect to the aggregate amount awarded for such grants on or after such effective date.

Effective date. 42 USC 5318.

(2) SUNSET OF URBAN COUNTY COMPETITION RULE.—Effective October 1, 1989, section 119(d)(6) of the Housing and Community Development Act of 1974 is repealed.

(h) LIMITATION ON GRANT AMOUNTS.—Section 119 of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"(s) For fiscal years 1988 and 1989, the maximum grant amount for any project under this section is $10,000,000.".

Hawaii

(i) CONSIDERATION OF CERTAIN COUNTIES AS CITIES UNDER URBAN DEVELOPMENT ACTION GRANT PROGRAM.—Section 119(n)(1) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following new sentence: "Such term also includes the counties of Kauai, Maui, and Hawaii in the State of Hawaii.".

SEC. 516. PROHIBITION ON USE OF URBAN DEVELOPMENT ACTION GRANTS FOR BUSINESS RELOCATIONS.

(a) IN GENERAL.—Section 119(h) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting after the subsection designation the following: "(1) SPECULATIVE PROJECTS.—";

(2) by adding at the end of paragraph (1) (as so redesignated by paragraph (1) of this subsection) the following new sentence: "The provisions of this paragraph shall apply only to projects that do not have identified intended occupants."; and

(3) by adding at the end the following new paragraphs:

"(2) PROJECTS WITH IDENTIFIED INTENDED OCCUPANTS.—No assistance may be provided or utilized under this section for any project with identified intended occupants that is likely to facilitate—

"(A) a relocation of any operation of an industrial or commercial plant or facility or other business establishment—

101 STAT. 1935

"(i) from any city, urban county, or identifiable community described in subsection (p), that is eligible for assistance under this section; and

"(ii) to the city, urban county, or identifiable community described in subsection (p), in which the project is located; or

"(B) an expansion of any such operation that results in a reduction of any such operation in any city, county, or community described in subparagraph (A)(i).

"(3) SIGNIFICANT AND ADVERSE EFFECT.—The restrictions established in paragraph (2) shall not apply if the Secretary determines that the relocation or expansion does not significantly and adversely affect the employment or economic base of the city, county, or community from which the relocation or expansion occurs.

"(4) APPEAL OF ADVERSE DETERMINATION.—Following notice of intent to withhold, deny, or cancel assistance under paragraph (1) or (2), the Secretary shall provide a period of not less than 90 days in which the applicant can appeal to the Secretary the withholding, denial, or cancellation of assistance. Notwithstanding any other provision of this section, nothing in this section or in any legislative history related to the enactment of this section may be construed to permit an inference or conclusion that the policy of the Congress in the urban development action grant program is to facilitate the relocation of businesses from one area to another.

"(5) ASSISTANCE FOR INDIVIDUALS ADVERSELY AFFECTED BY PROHIBITED RELOCATIONS.—

"(A) Any amount withdrawn by, recaptured by, or paid to the Secretary due to a violation (or a settlement of an alleged violation) of this subsection (or of any regulation issued or contractual provision entered into to carry out this subsection) by a project with identified intended occupants shall be made available by the Secretary as a grant to the city, county, or community described in subsection (p), from which the operation of an industrial or commercial plant or facility or other business establishment relocated or in which the operation was reduced.

"(B)(i) Any amount made available under this paragraph shall be used by the grantee to assist individuals who were employed by the operation involved prior to the relocation or reduction and whose employment or terms of employment were adversely affected by the relocation or reduction. The assistance shall include job training, job retraining, and job placement. Employment and unemployment.

"(ii) If any amount made available to a grantee under this paragraph is more than is required to provide assistance under clause (i), the grantee shall use the excess amount to carry out community development activities eligible under section 105(a).

"(C)(i) The provisions of this paragraph shall be applicable to any amount withdrawn by, recaptured by, or paid to the Secretary under this section, including any amount withdrawn, recaptured, or paid before the effective date of this paragraph.

"(ii) Grants may be made under this paragraph only to the extent of amounts provided in appropriation Acts.

"(6) DEFINITION.—For purposes of this subsection, the term 'operation' includes any plant, equipment, facility, position, employment opportunity, production capacity, or product line.

"(7) REGULATIONS.—Not later than 60 days after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall issue such regulations as may be necessary to carry out the provisions of this subsection. Such regulations shall include specific criteria to be used by the Secretary in determining whether there is a significant and adverse effect under paragraph (3).". 101 STAT. 1936

(b) APPLICABILITY.—Except as otherwise provided in section 119(h)(5) of the Housing and Community Development Act of 1974 (as added by subsection (a)), the amendments made by this section shall be applicable to urban development action grants that have not received the preliminary approval of the Secretary of Housing and Urban Development before the date of the enactment of this Act. 42 USC 5318 note.

SEC. 517. URBAN HOMESTEADING.

(a) EXTENSIONS.—

(1) Section 810(h)(1) of the Housing and Community Development Act of 1974 is amended by striking out "1984 and 1985" and inserting in lieu thereof "1988 and 1989". 12 USC 1706e.

(2) Section 810(i)(1) of such Act is amended by striking out "1984 and 1985" and inserting in lieu thereof "1988 and 1989".

(3) Section 810(j) of such Act is amended by striking out "December 31, 1985" and inserting in lieu thereof "December 1, 1987".

(b) STATE ADMINISTRATIVE EXPENSES.—

(1) The second sentence of section 106(d)(3)(A) of the Housing and Community Development Act of 1974 is amended— 42 USC 5306.

(A) by inserting immediately after "such expenses" the first time it appears the following: "and its administrative expenses under section 810 of this Act"; and

(B) by inserting immediately after "such expenses" the second time it appears the following: "under this title".

(2) Section 107(b)(4) of such Act is amended by inserting before the first semicolon the following: "and section 810 of this Act". 42 USC 5307.

(c) SELECTION PROCEDURE.—

(1) Section 810(b)(2) of the Housing and Community Development Act of 1974 is amended to read as follows: 12 USC 1706e.

"(2) an equitable procedure for selecting recipients of homestead properties who have the capacity to make or cause to be made the repairs and improvements required under paragraph (3) of this subsection, which procedure shall—

"(A) give special priority to applicants who are 'lower income families' as defined in section 3(b)(2) of the United States Housing Act of 1937;

"(B) exclude applicants who are currently homeowners;

"(C) take into account the applicant's capacity to contribute a substantial amount of labor to the rehabilitation process, or to obtain assistance from private sources, community organizations, or other sources; and

"(D) include other reasonable selection criteria.".

(2) Section 810(b)(5) of such Act is amended by adding "and" after the semicolon.

(3) Section 810(b)(6) of such Act is amended by striking out "; and" and inserting in lieu thereof a period.

(4) Section 810(b)(7) of such Act is repealed.

(d) TRANSFER OF PROPERTY TO QUALIFIED COMMUNITY ORGANIZATIONS.—Section 810 of the Housing and Community Development Act of 1974 is amended—

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(1) in subsection (a), by inserting "qualified community organization or" before "public agency designated";

(2) in subsection (b), by inserting "qualified community organization or" before "public agency designated";

(3) in subsection (b)(1), by inserting before the semicolon the following: "or in accordance with subsection (l) to qualified community organizations";

(4) in subsection (b)(3)(D), by inserting "qualified community organization or" before "public agency designated";

(5) in subsection (b)(5), by inserting "qualified community organization or" before "public agency designated";

(6) by redesignating subsection (k) as subsection (l); and

(7) by inserting after subsection (j) the following new subsection:

State and local governments. Real property.

"(k) A unit of general local government or a State, or a public agency designated by a unit of general local government or a State, may transfer any real property that it receives under subsection (a) or purchases under subsection (i) to a qualified community organization. Qualified community organizations shall be limited to organizations that—

"(1) are incorporated and controlled by a board of directors whose members receive no compensation of any kind for the performance of their duties;

"(2) are organized exclusively for charitable, educational, scientific purposes, or the promotion of social welfare, and qualify as exempt organizations under paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986; and

"(3) agree to assist the applicable State or unit of general local government with the selection of homesteaders, the selection, inspection, and rehabilitation of the properties, and to perform such other functions as may be agreed between the State or unit of general local government and the qualified nonprofit organization, including the acceptance of title to property from the relevant Federal agency and the direct conveyance of the property to the homesteaders subject to the terms and conditions specified in this section.".

(e) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 810(l) of the Housing and Community Development Act of 1974 (as so redesignated by subsection (d) of this section) is amended to read as follows: "To reimburse the housing loan funds for properties transferred pursuant to this section, and to carry out subsections (c), (g), (h), and (i), there are authorized to be appropriated $12,000,000 for fiscal year 1988, and $13,000,000 for fiscal year 1989.".

SEC. 518. REHABILITATION LOANS.

42 USC 1452b.

(a) EXTENSION OF LOAN AUTHORITY.—Section 312(h) of the Housing Act of 1964 is amended by striking "March 15, 1988" and inserting "September 30, 1989".

(b) PROHIBITION OF CERTAIN FEES.—Section 312(g) of the Housing Act of 1964 is amended by adding at the end the following new sentence: "No risk premium or loan fee may be imposed by or for

the Secretary or any other Federal agency on or with respect to a loan made under this section after the date of the enactment of the Housing and Community Development Act of 1987.".

(c) PROHIBITION OF LOAN SALES.—Section 312 of the Housing Act of 1964 is amended by adding at the end the following new subsection: 101 STAT. 1938

"(l) The Secretary may not sell any loan made under this section.".

SEC. 519. LOAN CANCELLATION.

The Secretary of Housing and Urban Development shall cancel the indebtedness represented by loan number 070024914 under section 312 of the Housing Act of 1964. The obligor on such loan is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection therewith. This section shall be effective only to such extent or in such amounts as may be approved in appropriation Acts.

SEC. 520. NEIGHBORHOOD REINVESTMENT CORPORATION.

(a) COMPOSITION OF BOARD.—Section 604 of the Neighborhood Reinvestment Corporation Act is amended— 42 USC 8103.

(1) by inserting before the semicolon in subsection (a)(1) the following: "or a member of the Federal Home Loan Bank Board to be designated by the Chairman";

(2) by striking out subsection (a)(3) and inserting in lieu thereof the following: "(3) the Chairman of the Board of Governors of the Federal Reserve System, or a member of the Board of Governors of the Federal Reserve System to be designated by the Chairman;";

(3) by inserting before the semicolon in subsection (a)(4) the following: "or the appointive member of the Board of Directors of the Federal Deposit Insurance Corporation if so designated by the Chairman"; and

(4) by striking out "Administrator" in subsection (a)(6) and inserting in lieu thereof the word "Chairman"; and by inserting after "Administration" the following: "or a member of the Board of the National Credit Union Administration to be designated by the Chairman.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 608(a) of the Neighborhood Reinvestment Corporation Act is amended to read as follows: 42 USC 8107.

"(a) There are authorized to be appropriated to the corporation to carry out this title $19,000,000 for fiscal year 1988, and $19,000,000 for fiscal year 1989.".

SEC. 521. NEIGHBORHOOD DEVELOPMENT DEMONSTRATION PROGRAM.

Section 123(g) of the Housing and Urban-Rural Recovery Act of 1983 is amended to read as follows: 42 USC 5318 note.

"(g) There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1988, and $2,000,000 for fiscal year 1989.".

SEC. 522. PARK CENTRAL NEW COMMUNITY PROJECT.

(a) HOUSING ASSISTANCE.—Section 213 of the Housing and Community Development Act of 1974 is amended by adding at the end the following new subsection: 12 USC 1439.

"(e) From budget authority made available in appropriation Acts for fiscal year 1988, the Secretary shall enter into an annual contributions contract for a term of 180 months to obligate sufficient funds to provide assistance payments pursuant to section 8(b)(1) of the United States Housing Act of 1937 on behalf of 500 lower income families from budget authority made available for fiscal year 1988, so long as such families occupy properties in the Park Central New Community Project or in adjacent areas that are recognized by the unit of general local government in which such Project is located as being included within the Park Central New Town In Town Project. Contracts. 101 STAT. 1939

If a lower income family receiving assistance payments pursuant to this subsection ceases to qualify for assistance payments pursuant to the provisions of section 8 of such Act or of this subsection during the 180-month term of the annual contributions contract, assistance payments shall be made on behalf of another lower income family who occupies a unit identified in the previous sentence.".

42 USC 5307. (b) COMMUNITY DEVELOPMENT ASSISTANCE.—Section 107(a) of the Housing and Community Development Act of 1974 is amended by adding at the end the following new sentence: "Of the amount set aside for grants under subsection (b) for fiscal year 1988, $5,000,000 shall be made available by the Secretary for purposes of grants under subsection (b)(1) for the Park Central New Community Project.".

SEC. 523. COMMUNITY DEVELOPMENT PROJECTS LABOR STANDARDS.

42 USC 5310. Section 110 of the Housing and Community Development Act of 1974 is amended by striking "is designed for residential use of eight or more families" and insert "contains not less than 8 units".

SEC. 524. URBAN PLANNING.

40 USC 462. Section 702 of the Housing Act of 1954 is amended—

(1) by striking subsections (c) and (h); and

(2) by striking subsection (g) and inserting the following:

"(g) Effective upon the date of the enactment of the Housing and Community Development Act of 1987, and in accordance with such accounting and other procedures as the Secretary may prescribe, each advance made by the Secretary under this section that has any principal amount outstanding shall be forgiven. The terms and conditions of any contract, or any amendment to a contract, for such advance with respect to any promise to repay the advance shall be canceled.".

Contracts.

SEC. 525. COMMUNITY DEVELOPMENT TECHNICAL AMENDMENTS.

42 USC 5318 note. Section 123(e)(3) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking "Act" and inserting "section".

Subtitle B—Flood and Crime Insurance Programs

SEC. 541. EXTENSION OF FLOOD INSURANCE PROGRAM.

42 USC 4026. (a) GENERAL AUTHORITY.—Section 1319 of the National Flood Insurance Act of 1968 is amended by striking "March 15, 1988" and inserting "September 30, 1989".

42 USC 4056. (b) EMERGENCY IMPLEMENTATION.—Section 1336(a) of the National Flood Insurance Act of 1968 is amended by striking "March 15, 1988" and inserting "September 30, 1989".

42 USC 4101. (c) ESTABLISHMENT OF FLOOD-RISK ZONES.—Section 1360(a)(2) of the National Flood Insurance Act of 1968 is amended by striking "March 15, 1988" and inserting "September 30, 1989".

42 USC 4015 note. (d) LIMITATION ON PREMIUMS.—The premium rates charged for flood insurance under any program established pursuant to the National Flood Insurance Act of 1968 may not be increased during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, by more than a prorated annual rate of 10 percent.

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SEC. 542. EXTENSION OF CRIME INSURANCE PROGRAM.

12 USC 1749bbb. (a) GENERAL AUTHORITY.—Section 1201(b)(1) of the National Housing Act is amended by striking "March 15, 1988" in the matter preceding subparagraph (A) and inserting "September 30, 1989".

(b) CONTINUATION OF EXISTING CONTRACTS.—Section 1201(b)(1)(A) of the National Housing Act is amended by striking "September 30, 1986" and inserting "September 30, 1990".

(c) LIMITATION ON PREMIUMS.—The premium rates charged for crime insurance under any program established pursuant to part C of title XII of the National Housing Act may not be increased during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, by more than a prorated annual rate of 5 percent. Termination date. 12 USC 1749bbb–10c.

SEC. 543. STUDIES UNDER NATIONAL FLOOD INSURANCE PROGRAM.

Section 1376(c) of the National Flood Insurance Act of 1968 is amended to read as follows: 42 USC 4127.

"(c) There are authorized to be appropriated for studies under this title $37,000,000 for fiscal year 1988, and $37,000,000 for fiscal year 1989. Any amount appropriated under this subsection shall remain available until expended.".

SEC. 544. SCHEDULE FOR PAYMENT OF FLOOD INSURANCE FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE. Contracts.

(a) IN GENERAL.—Section 1306 of the National Flood Insurance Act of 1968 is amended by adding at the end the following new subsection: 42 USC 4013.

"(c)(1) If any structure covered by a contract for flood insurance under this title and located on land that is along the shore of a lake or other body of water is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels, the Director shall (following final determination by the Director that the claim is in compliance with regulations developed pursuant to paragraph (6)(A)) pay amounts under such flood insurance contract for proper demolition or relocation as follows:

"(A) For proper demolition—

"(i) Following final determination by the Director, 40 percent of the value of the structure; and

"(ii) Following demolition of the structure (including any septic containment system) prior to collapse, the remaining 60 percent of the value of the structure and 10 percent of the value of the structure, or the actual cost of demolition, whichever amount is less.

"(B) For proper relocation (including removal of any septic containment system) if the owner chooses to relocate the structure—

"(i) following final determination by the Director, prior to collapse, up to 40 percent of the value of the structure;

"(ii) the total payment under this subparagraph shall not exceed the actual cost of relocation.

101 STAT. 1941

"(2) If any structure subject to a final determination under paragraph (1) collapses or subsides before the owner demolishes or relocates the structure and the Director determines that the owner has failed to take reasonable and prudent action to demolish or relocate the structure, the Director shall not pay more than the amount provided in subparagraph (A)(i) with respect to the structure.

"(3) For purposes of paying flood insurance pursuant to this subsection, the value of a structure shall be whichever of the following is lowest:

"(A) The fair market value of a comparable structure that is not subject to imminent collapse or subsidence.

"(B) The price paid for the structure and any improvement to the structure, as adjusted for inflation in accordance with an index determined by the Director to be appropriate.

"(C) The value of the structure under the flood insurance contract issued pursuant to this title.

"(4)(A) The provisions of this subsection shall apply to contracts for flood insurance under this title that are in effect on, or entered into after, the date of the enactment of the Housing and Community Development Act of 1987.

"(B) The provisions of this subsection shall not apply to any structure not subject to a contract for flood insurance under this title on the date of a certification under paragraph (1).

"(C) The provisions of this subsection shall not apply to any structure unless the structure is covered by a contract for flood insurance under this title—

"(i) on or before June 1, 1988;

"(ii) for a period of 2 years prior to certification under paragraph (1); or

"(iii) for the term of ownership if less than 2 years.

New York. "(D) The provisions of this subsection shall not apply to any structure located in the area west of the groin field on the barrier island from Moriches Inlet to Shinnecock Inlet on the southern shore of Long Island of Suffolk County, New York.

"(5) For any parcel of land on which a structure is subject to a final determination under paragraph (1), no subsequent flood insurance coverage under this title or assistance under the Disaster Relief Act of 1974 (except emergency assistance essential to save lives and protect property, public health and safety) shall be available for—

"(A) any structure consisting of one to four dwelling units which is constructed or relocated at a point seaward of the 30-year erosion setback; or

"(B) any other structure which is constructed or relocated at a point seaward of the 60-year erosion setback.

Regulations. "(6)(A) The Director shall promulgate regulations and guidelines to implement the provisions of this subsection.

"(B) Prior to issuance of regulations regarding the State and local certifications pursuant to paragraph (1), all provisions of this subsection shall apply to any structure which is determined by the Director—

"(i) to otherwise meet the requirements of this subsection; and

"(ii) to have been condemned by a State or local authority and to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

101 STAT. 1942

"(7) No payments under this subsection may be made after September 30, 1989, except pursuant to a commitment made on or before such date.".

42 USC 4013 note. (b) EFFECTIVE DATE.—The amendment made by this section shall become effective on the date of the enactment of this Act.

SEC. 545. FLOOD AND CRIME INSURANCE TECHNICAL AMENDMENTS.

(a) CRIME INSURANCE PROGRAM AUTHORITY.—Section 1201(b) of the 12 USC 1749bbb. National Housing Act is amended—

(1) by striking paragraphs (2) and (3);

(2) by striking "(b)(1)" and inserting "(b)"; and

(3) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively.

(b) REINSURANCE AGREEMENTS.—Section 1222(c) of the National 12 USC 1749bbb–8. Housing Act is amended by striking "section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a))," and inserting "section 1341(a) of title 31, United States Code,".

(c) NATIONAL INSURANCE DEVELOPMENT FUND.—Section 1243(d) of 12 USC 1749bbb–13. the National Housing Act is amended by striking "by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849))" and inserting "by sections 9103 and 9104 of title 31, United States Code,".

(d) NATIONAL FLOOD INSURANCE FUND.—Section 1310(e) of the 42 USC 4017. National Flood Insurance Act of 1968 is amended by inserting a comma after "Code".

(e) FLOOD INSURANCE IN COLORADO RIVER FLOODWAY.—The National Flood Insurance Act of 1968 is amended by inserting the 42 USC 4029. following section heading for section 1322: "COLORADO RIVER FLOODWAY".

(f) FEMA TREASURY BORROWINGS.—The third sentence of section 15(e) of the Federal Flood Insurance Act of 1956 is amended by inserting a comma after "Code". 42 USC 2414.

Subtitle C—Miscellaneous Programs

SEC. 561. FAIR HOUSING INITIATIVES PROGRAM.

Grants. Contracts. State and local governments. 42 USC 3616 note.

(a) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the "Secretary") may make grants to, or (to the extent of amounts provided in appropriation Acts) enter into contracts or cooperative agreements with, State or local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to develop, implement, carry out, or coordinate—

(1) programs or activities designed to obtain enforcement of the rights granted by title VIII of the Act of April 11, 1968 (commonly referred to as the Civil Rights Act of 1968), or by State or local laws that provide rights and remedies for alleged discriminatory housing practices that are substantially equivalent to the rights and remedies provided in such title VIII, through such appropriate judicial or administrative proceedings (including informal methods of conference, conciliation, and persuasion) as are available therefor; and

Discrimination, prohibition.

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(2) education and outreach programs designed to inform the public concerning rights and obligations under the laws referred to in paragraph (1).

Education.

(b) PROGRAM ADMINISTRATION.—

(1) Not less than 30 days before providing a grant or entering into any contract or cooperative agreement to carry out activities authorized by this section, the Secretary shall submit notification of such proposed grant, contract, or cooperative agreement (including a description of the geographical distribution of such contracts) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(2) The Secretary shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a quarterly report that summarizes the activities funded under this section and describes the geographical distribution of grants, contracts, or cooperative agreements funded under this section.

Reports.

(c) REGULATIONS.—

(1) The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(2) The Secretary shall, for use during the demonstration authorized in this section, establish guidelines for testing activities funded under the private enforcement initiative of the fair housing initiatives program. The purpose of such guidelines shall be to ensure that investigations in support of fair housing enforcement efforts described in subsection (a)(1) shall develop credible and objective evidence of discriminatory housing practices. Such guidelines shall apply only to activities funded under this section, shall not be construed to limit or otherwise restrict the use of facts secured through testing not funded under this section in any legal proceeding under Federal fair housing laws, and shall not be used to restrict individuals or entities, including those participating in the fair housing initiatives program, from pursuing any right or remedy guaranteed by Federal law. Not later than 6 months after the end of the demonstration period authorized in this section, the Secretary shall submit to

Discrimination, prohibition.

Congress the evaluation of the Secretary of the effectiveness of such guidelines in achieving the purposes of this section.

(3) Such regulations shall include provisions governing applications for assistance under this section, and shall require each such application to contain—

(A) a description of the assisted activities proposed to be undertaken by the applicant, together with the estimated costs and schedule for completion of such activities;

(B) a description of the experience of the applicant in formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

(C) available information, including studies made by or available to the applicant, indicating the nature and extent of discriminatory housing practices occurring in the general location where the applicant proposes to conduct its assisted activities, and the relationship of such activities to such practices;

(D) an estimate of such other public or private resources as may be available to assist the proposed activities;

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(E) a description of proposed procedures to be used by the applicant for monitoring conduct and evaluating results of the proposed activities; and

(F) any additional information required by the Secretary.

(4) Regulations issued under this subsection shall not become effective prior to the expiration of 90 days after the Secretary transmits such regulations, in the form such regulations are intended to be published, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(5) The Secretary shall not obligate or expend any amount under this section before the effective date of the regulations required under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section, including any program evaluations, $5,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989, of which not more than $3,000,000 in each year shall be for the private enforcement initiative demonstration. Any amount appropriated under this section shall remain available until expended.

(e) SUNSET.—The demonstration period authorized in this section shall end on September 30, 1989.

42 USC 3608a.

SEC. 562. COLLECTION OF CERTAIN DATA.

(a) IN GENERAL.—To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI of Public Law 88-352 and title VIII of Public Law 90-284), the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary. Such data shall be collected on a building by building basis if the Secretary involved determines such collection to be appropriate.

(b) REPORTS TO CONGRESS.—The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each include in the annual report of such Secretary to the Congress a summary and evaluation of the data collected by such Secretary under subsection (a) during the preceding year.

SEC. 563. REGULATORY AUTHORITY.

42 USC 3535.

(a) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Section 7(o) of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall include with each rule or regulation

required to be transmitted to the Committees under this subsection a detailed summary of all changes required by the Office of Management and Budget that prohibit, modify, postpone, or disapprove such rule or regulation in whole or part.".

(b) FARMERS HOME ADMINISTRATION.—Section 534 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection: 42 USC 1490n.

"(d) The Secretary shall include with each rule or regulation required to be transmitted to the Committees under this section a detailed summary of all changes required by the Office of Management and Budget that prohibit, modify, postpone, or disapprove such rule or regulation in whole or part.". 101 STAT. 1945

SEC. 564. RESEARCH AND DEVELOPMENT.

Section 501 of the Housing and Urban Development Act of 1970 is amended by striking the second and third sentences and inserting the following: "There are authorized to be appropriated to carry out this title $17,000,000 for fiscal year 1988, and $18,000,000 for fiscal year 1989.". 12 USC 1701z-1.

SEC. 565. HOME MORTGAGE DISCLOSURE.

(a) APPLICABILITY TO MORTGAGE BANKING AFFILIATES.—

(1) Section 303(2) of the Home Mortgage Disclosure Act of 1975 is amended— 12 USC 2802.

(A) by striking "or" the first place it appears; and

(B) by inserting before the semicolon at the end the following: ", mortgage banking subsidiary of a bank holding company or savings and loan holding company, or savings and loan service corporation that originates or purchases mortgage loans".

(2) Section 304 of the Home Mortgage Disclosure Act of 1975 is amended by adding at the end the following new subsection: 12 USC 2803.

"(g) The requirements of subsections (a) and (b) shall not apply with respect to mortgage loans that are—

"(1) made by any mortgage banking subsidiary of a bank holding company or savings and loan holding company or by any savings and loan service corporation that originates or purchases mortgage loans; and

"(2) approved by the Secretary for insurance under title I or II of the National Housing Act.".

(3) The first sentence of section 311 of the Home Mortgage Disclosure Act of 1975 is amended by inserting after "306(b)" the following: "(and for each mortgagee making mortgage loans exempted under section 304(g))". 12 USC 2810.

(4) The amendments made by this subsection shall be applicable to calendar years beginning after December 31, 1986. Effective date. 12 USC 2802 note.

(b) PERMANENT EXTENSION OF GENERAL AUTHORITY.—The Home Mortgage Disclosure Act of 1975 is amended by striking section 312. 12 USC 2811.

SEC. 566. LEAD-BASED PAINT POISONING PREVENTION. Safety.

(a) DETECTION AND ABATEMENT PROCEDURES.—Section 302 of the Lead-Based Paint Poisoning Prevention Act is amended— 42 USC 4822.

(1) by inserting after the section designation the following: "(a) GENERAL REQUIREMENTS.—";

(2) in the second sentence, by striking "housing constructed prior to 1950" and inserting the following: "housing constructed or substantially rehabilitated prior to 1978";

(3) in clause (1) of the second sentence, by striking "paint which may contain lead and to which children may be exposed" and inserting the following: "accessible intact, intact, and nonintact interior and exterior painted surfaces that may contain lead in any such housing in which any child who is less than 7 years of age resides or is expected to reside"; Children and youth.

(4) in clause (2) of the second sentence, by inserting after "notification" the following: "(using a brochure developed after consultation with the National Institute of Building Sciences)";

(5) by striking the third sentence; and

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(6) by adding at the end the following new subsections:

"(b) MEASUREMENT CRITERIA.—The procedures established by the Secretary under this section for the detection and abatement of lead-based paint poisoning hazards in any housing, including housing assisted under section 8 of the United States Housing Act of 1937—

"(1) shall be based upon criteria that measure the condition of the housing; and

"(2) shall not be based upon criteria that measure the health of the residents of the housing.

"(c) INSPECTION REQUIREMENTS.—The Secretary shall require the inspection of all intact and nonintact interior and exterior painted surfaces of housing subject to this section for lead-based paint using an approved x-ray fluorescence analyzer or comparable approved sampling or testing technique. A qualified inspector shall certify in writing the precise results of the inspection. If the results equal or exceed a level of 1.0 milligrams per centimeter squared, the results shall be provided to any potential purchaser or tenant of the housing. The Secretary shall periodically review and reduce the level below 1.0 milligram per centimeter squared to the extent that reliable technology makes feasible the detection of a lower level and medical evidence supports the imposition of a lower level. The requirements of this subsection shall apply as provided in subsection (d).

"(d) ABATEMENT REQUIRED.—

"(1) PUBLIC HOUSING.—In the case of public housing assisted under section 9 of the United States Housing Act of 1937, the Secretary shall require the inspection described in subsection (c) for—

"(A) each vacant dwelling prior to rerenting;

"(B) a random sample of all occupied dwellings; and

"(C) each dwelling in any housing in which there is a dwelling determined under subparagraph (A) or (B) to have lead-based paint hazards.

The Secretary shall require the inspection of all housing subject to this paragraph prior to the expiration of 5 years from the date of the publication of final regulations pursuant to this subsection. The Secretary shall prioritize, within such 5-year period, inspections on the basis of vacancy, age of housing, or projected modernization or rehabilitation. The Secretary shall require abatement to eliminate the lead-based paint poisoning hazards in housing in which the test results equal or exceed the standard established by or under subsection (c). Final inspection and certification after abatement shall be made by a qualified inspector.

"(2) HUD-OWNED PROPERTIES.—

"(A) ABATEMENT DEMONSTRATION PROGRAM.—In carrying out the requirements of this subsection with respect to single-family and multifamily properties owned by the Department of Housing and Urban Development, the Secretary shall utilize a sufficient variety of abatement methods in a sufficient number of areas and circumstances to demonstrate their relative cost-effectiveness and their applicability to various types of housing.

"(B) REPORT.—Not later than 18 months after the effective date of the regulations issued to carry out this subsection, the Secretary shall transmit to the Congress the

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findings and recommendations of the Secretary as a result of the demonstration program, including any recommendations of the Secretary for legislation to revise the requirements of this subsection. In preparing such report, the Secretary shall examine—

"(i) the most reliable technology available for detecting lead-based paint;

"(ii) the most efficient and cost-effective methods for abatement;

"(iii) safety considerations in testing;

"(iv) the overall accuracy and reliability of laboratory testing of physical samples, x-ray fluorescence machines, and other available testing procedures;

"(v) availability of qualified samplers and testers; and

"(vi) an estimate of the amount, characteristics, and regional distribution of housing in the United States that contains lead-based paint hazards at differing levels of contamination.

"(3) REPORT REQUIRED.—Not later than 9 months after completion of the demonstration required by paragraph (2), the Secretary shall, based on the demonstration, prepare and transmit to the Congress, a comprehensive and workable plan, including any recommendations for changes in legislation, for the prompt and cost effective inspection and abatement of privately owned single family and multifamily housing, including housing assisted under section 8 of the United States Housing Act of 1937. After the expiration of the 9-month period referred to in the preceding sentence, the Secretary may not obligate or expend any funds or otherwise carry out activities related to any other policy development and research project until the report is transmitted.

"(e) EXCEPTIONS.—The provisions of this section shall not apply to—

"(1) housing for the elderly or handicapped, except for any dwelling in such housing in which any child who is less than 7 years of age resides or is expected to reside;

"(2) any project for which an application for insurance is submitted under section 231, 232, 241, or 242 of the National Housing Act; or

"(3) any 0-bedroom dwelling.

"(f) FUNDING.—The Secretary shall carry out the provisions of this section utilizing available Federal funding sources. The Secretary shall use funds available for comprehensive improvement assistance under section 14 of the United States Housing Act of 1937 to carry out this section in public housing.".

(b) REGULATIONS.— 42 USC 4822 note.

(1) PROPOSED REGULATIONS.—Not later than the expiration of the 60-day period following the date of the enactment of this Act, the Secretary of Housing and Urban Development shall publish proposed regulations to carry out the amendments made by this section.

(2) FINAL REGULATIONS.—The Secretary shall publish final regulations to carry out the amendments made by this section, which shall become effective not later than the expiration of the 120-day period following the date of the enactment of this Act.

(3) REQUIRED CONSULTATIONS.—Before issuing proposed regulations under this subsection, the Secretary shall consult with— 101 STAT. 1948

(A) the National Institute of Building Sciences and the National Bureau of Standards with respect to the most cost-effective methods of detecting and abating lead-based paint poisoning hazards; and

(B) public housing agencies to develop a cost-efficient plan for detecting and abating lead-based paint poisoning hazards in dwelling assisted under section 8 of the United States Housing Act of 1937 and dwellings in public housing assisted under such Act.

SEC. 567. MEDIAN AREA INCOME. 42 USC 1437a note.

For purposes of calculating the median income for any area that is not within a metropolitan statistical area (as established by the Office of Management and Budget) for programs under title I of the Housing and Community Development Act of 1974, the United States Housing Act of 1937, the National Housing Act, or title V of the Housing Act of 1949, the Secretary of Housing and Urban Development or the Secretary of Agriculture (as appropriate) shall use whichever of the following is higher:

(1) the median income of the county in which the area is located; or

(2) the median income of the entire nonmetropolitan area of the State.

Energy.

SEC. 568. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.

42 USC 5403.

Section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974 is amended by adding at the end the following new subsection:

"(i)(1) The Federal manufactured home construction and safety standards established by the Secretary under this section shall include preemptive energy conservation standards in accordance with this subsection.

"(2) The energy conservation standards established under this subsection shall be cost-effective energy conservation performance standards designed to ensure the lowest total of construction and operating costs.

"(3) The energy conservation standards established under this subsection shall take into consideration the design and factory construction techniques of manufactured homes and shall provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.".

SEC. 569. NULLIFICATION OF RIGHT OF REDEMPTION OF SINGLE-FAMILY MORTGAGORS.

12 USC 1710.

Section 204 of the National Housing Act is amended by adding at the end the following new subsection:

"(l)(1) Whenever the Secretary or a contract mortgagee (pursuant to its contract with the Secretary) forecloses on a Secretary-held single family mortgage in any Federal or State court or pursuant to a power of sale in a mortgage, the purchaser at the foreclosure sale shall be entitled to receive a conveyance of title to, and possession of, the property, subject to the interests senior to the interests of the Secretary or the contract mortgagee, as the case may be. Notwithstanding any State law to the contrary, there shall be no right of redemption (including in all instances any right to possession based upon any right of redemption) in the mortgagor or any other person subsequent to the foreclosure sale in connection with a Secretary-held single family mortgage. The appropriate State official or the trustee, as the case may be, shall execute and deliver a deed or other appropriate instrument conveying title to the purchaser at the foreclosure sale, consistent with applicable procedures in the jurisdiction and without regard to any such right of redemption.

101 STAT. 1949

"(2) The following actions shall be taken in order to verify title in the purchaser at the foreclosure sale:

"(A) In the case of a judicial foreclosure in any Federal or State court, there shall be included in the petition and in the judgment of foreclosure a statement that the foreclosure is in accordance with this subsection and that there is no right of redemption in the mortgagor or any other person.

"(B) In the case of a foreclosure pursuant to a power of sale provision in the mortgage, the statement required in subparagraph (A) shall be included in the advertisement of the sale and either in the recitals of the deed or other appropriate instrument conveying title to the purchaser at the foreclosure sale or in an affidavit or addendum to the deed.

"(3) For purposes of this subsection:

"(A) The term 'contract mortgagee' means a person or entity under a contract with the Secretary that provides for the assignment of a single-family mortgage from the Secretary to the person or entity for the purpose of pursuing foreclosure.

"(B) the term 'mortgage' means a deed of trust, mortgage, deed to secure debt, security agreement, or any other form of

instrument under which any interest in property, real, personal, or mixed, or any interest in property, including leaseholds, life estates, reversionary interests, and any other estates under applicable State law, is conveyed in trust, mortgaged, encumbered, pledged, or otherwise rendered subject to a lien, for the purpose of securing the payment of money or the performance of an obligation.

"(C) The term 'Secretary-held single family mortgage' means a single-family mortgage held by the Secretary or by a contract mortgagee at the time of initiation of foreclosure that—

"(i) was formerly insured by the Secretary under any section of this title; or

"(ii) was taken by the Secretary as a purchase money mortgage in connection with the sale or other transfer of Secretary-owned property under any section of this title.

"(D) The term 'single-family mortgage' means a mortgage that covers property on which is located a 1-to-4 family residence.".

SEC. 570. MISCELLANEOUS PROGRAMS TECHNICAL AMENDMENTS.

(a) HUD ADMINISTRATIVE PROVISIONS.—

(1) Section 502(a) of the Housing Act of 1948 is amended by striking the fourth sentence. 12 USC 1701c.

(2) Section 502(b) of the Housing Act of 1948 is amended— 42 USC 1404a.

(A) by striking "United States Housing Authority" each place it appears and inserting "Secretary of Housing and Urban Development"; and

(B) by striking "the Authority" each place it appears and inserting "the Secretary of Housing and Urban Development".

101 STAT. 1950

(3) Section 502(c)(2) of the Housing Act of 1948 is amended by adding "and" at the end. 12 USC 1701c.

(b) ANNUAL REPORT OF SECRETARY.—Section 802 of the Housing Act of 1954 is amended by inserting the following section heading: 12 USC 1701o.

"ANNUAL REPORT OF SECRETARY".

(c) ENERGY CONSERVATION IN NEW BUILDINGS.—Section 303(11) of the Energy Conservation Standards for New Buildings Act of 1976 is amended by striking "Secretary of Housing and Urban Development" and inserting "Secretary of Energy". 42 USC 6832.

(d) WEATHERIZATION ASSISTANCE.—Section 412(9)(G) of the Energy Conservation in Existing Buildings Act of 1976 is amended by striking the first comma after "determine". 42 USC 6862.

(e) SOLAR ENERGY AND ENERGY CONSERVATION BANK.—Sections 506(f)(1), 509(b)(2)(E), 509(c), 515(b)(1)(A)(iii), 515(b)(1)(B), 515(b)(1)(C)(ii), 515(b)(1)(D), and 515(b)(2) of the Solar Energy and Energy Conservation Bank Act are amended— 12 USC 3604, 3607, 3613.

(1) by striking "section 38" each place it appears and inserting "section 23";

(2) by striking "section 44C" each place it appears and inserting "section 38"; and

(3) by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(f) NATIONAL INSTITUTE OF BUILDING SCIENCES.—

(1) Section 809(g)(4) of the Housing and Community Development Act of 1974 is amended by striking "and its" and inserting "of its". 12 USC 1701j-2.

(2) Section 809(h) of the Housing and Community Development Act of 1974 is amended by striking "preceeding" in the last sentence and inserting "preceding".

(g) REAL ESTATE SETTLEMENT PROCEDURES.—Section 8(c)(5) of the Real Estate Settlement Procedures Act of 1974 is amended by striking "clause 4(B)" and inserting "clause (4)(B)". 12 USC 2607.

(h) HOME MORTGAGE DISCLOSURE.—Section 304(a)(1) of the Home Mortgage Disclosure Act of 1975 is amended by striking "at at" and inserting "at".

12 USC 2803.

(i) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—

(1) Section 422(1) of the Stewart B. McKinney Homeless Assistance Act is amended by inserting "governmental entity," after "urban county,".

42 USC 11382.

(2) Section 431(1) of such Act is amended by inserting "governmental entity," after "urban county,".

42 USC 11391.

12 USC 1735e-1.

SEC. 571. USE OF AMERICAN MATERIALS AND PRODUCTS.

In the administration of housing assistance programs, the Secretary of Housing and Urban Development shall encourage the use of materials and products mined and produced in the United States.

SEC. 572. STUDY OF VOLUNTARY STANDARDS FOR MODULAR HOMES.

Reports

(a) IN GENERAL.—In order to facilitate the construction and delivery of housing, the National Institute of Building Sciences shall prepare and submit to the Congress not later than 6 months after the date of the enactment of this Act a report describing feasible alternative systems for implementing one or more voluntary preemptive national codes for modular housing, including the method for inspecting the structures to ensure compliance with the selected code or set of codes. Such codes may be national model codes and shall provide for periodic upgrading through recognized model code development procedures and the development of modular housing standards for construction, design, and performance that ensure quality, durability, and safety and are in accordance with life-cycle cost-effective energy conservation standards established by the Secretary of Housing and Urban Development and designed to ensure the lowest total construction and operating costs over the estimated life of such housing.

101 STAT. 1951

(b) DEFINITION.—For purposes of this section, the term "modular housing" means factory-built single-family and multifamily housing (including closed wall panelized housing) not subject to the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974.

(c) GRANT.—From amounts appropriated pursuant to section 501 of the Housing and Urban Development Act of 1970, the Secretary of Housing and Urban Development shall make a grant to the National Institute of Building Sciences in an amount not to exceed $50,000 to cover the cost of the report under this section.

TITLE VI—NEHEMIAH HOUSING OPPORTUNITY GRANTS

12 USC 1715*l* note.

SEC. 601. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to encourage homeownership by families in the United States who are not otherwise able to afford homeownership;

(2) to undertake a concentrated effort to rebuild the depressed areas of the cities of the United States and to create sound and attractive neighborhoods; and

(3) to increase the employment of neighborhood residents.

12 USC 1715*l* note.

SEC. 602. DEFINITIONS.

For purposes of this title:

(1) The term "Fund" means the Nehemiah Housing Opportunity Fund established in section 609(a).

(2) The term "home" means any 1- to 4-family dwelling. Such term includes any dwelling unit in a condominium project or cooperative project consisting of not more than 4 dwelling units, any town house, and any manufactured home.

(3) The term "lower income families" has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

(4) The term "metropolitan statistical area" means a metropolitan statistical area as established by the Office of Management and Budget.

(5) The term "nonprofit organization" means a private nonprofit corporation, or other private nonprofit legal entity, that is approved by the Secretary as to financial responsibility.

(6) The term "Secretary" means the Secretary of Housing and Urban Development.

(7) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States. 101 STAT. 1952

(8) The term "substantial rehabilitation" means—

(A) rehabilitation involving costs in excess of 60 percent of the maximum sale price of a home assisted under this title in the market area in which it is located; or

(B) the rehabilitation of a vacant, uninhabitable structure.

(9) The term "unit of general local government" means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

SEC. 603. ASSISTANCE TO NONPROFIT ORGANIZATIONS. 12 USC 1715*l* note.

(a) IN GENERAL.—The Secretary may provide assistance to nonprofit organizations to carry out Nehemiah housing opportunity programs in accordance with the provisions of this title. Such assistance shall be made in the form of grants.

(b) APPLICATIONS.—Applications for assistance under this title shall be made in such form, and in accordance with such procedures, as the Secretary may prescribe.

SEC. 604. USE OF ASSISTANCE. Loans. 12 USC 1715*l* note.

(a) IN GENERAL.—Any nonprofit organization receiving assistance under this title shall use such assistance to provide loans to families purchasing homes constructed or substantially rehabilitated in accordance with a Nehemiah housing opportunity program approved under this title.

(b) SPECIFIC REQUIREMENTS.—Each loan made to a family under this section shall—

(1) be secured by a second mortgage held by the Secretary on the property involved;

(2) be in an amount not exceeding $15,000;

(3) bear no interest; and

(4) be repayable to the Secretary upon the sale, lease, or other transfer of such property.

SEC. 605. PROGRAM REQUIREMENTS. 12 USC 1715*l* note.

(a) IN GENERAL.—Assistance provided under this title may be used only in connection with a Nehemiah housing opportunity program of construction or substantial rehabilitation of homes.

(b) FAMILY NEED.—Each family purchasing a home under this title shall—

(1) have a family income on the date of such purchase that is not more than whichever of the following is higher:

(A) the median income for a family of 4 persons in the metropolitan statistical area involved, except that if and to the extent that the unit of general local government demonstrates to the Secretary that such action is necessary to achieve or maintain neighborhood stability, not to exceed 15 percent of the families in a project at any time during

development or occupancy may have incomes up to 115 percent of such median income; or

(B) the national median income for a family of 4 persons; and

(2) not have owned a home during the 3-year period preceding such purchase.

101 STAT. 1953

(c) DOWNPAYMENT.—

(1) Each family purchasing a home under this title shall make a downpayment of not less than 10 percent of the sale price of such home unless—

(A) the nonprofit organization determines a higher downpayment to be appropriate; or

State and local governments.

(B) the first mortgage on the home is held by a State or unit of general local government under a home loan program of the State or unit of general local government, and the program provides for a lower downpayment.

(2) Any downpayment made under this subsection shall accrue interest from the date on which such downpayment is made through the date of settlement, at a rate not less than the passbook rate. Such interest shall be paid by the nonprofit organization involved to the family purchasing the home for which such downpayment was made.

(d) LEASING PROHIBITION.—No family purchasing a home under this title may lease such home.

State and local governments. 12 USC 1715*l* note.

SEC. 606. TERMS AND CONDITIONS OF ASSISTANCE.

(a) LOCAL CONSULTATION.—No proposed Nehemiah housing opportunity program may be approved by the Secretary under this title unless the nonprofit organization involved demonstrates to the satisfaction of the Secretary that—

(1) it has consulted with and received the support of residents of the neighborhood in which such program is to be located; and

(2) it has the approval of each unit of general local government in which such program is to be located.

(b) PROGRAM SCHEDULE.—Each nonprofit organization applying for assistance under this title shall submit to the Secretary an estimated schedule for completion of its proposed Nehemiah housing opportunity program, which schedule shall have been agreed to by each unit of general local government in which such program is to be located.

(c) MINIMUM PARTICIPATION.—No nonprofit organization receiving assistance under this title may commence any construction or substantial rehabilitation (except with respect to homes to be constructed or substantially rehabilitated for the purpose of display) until not less than 25 percent of the homes to be constructed or substantially rehabilitated are contracted for sale to purchasers who intend to live in such homes and the required downpayments are made.

(d) FINANCIAL FEASIBILITY.—The Secretary may not provide any assistance under this title to any nonprofit organization unless such nonprofit organization demonstrates the financial feasibility of its proposed Nehemiah housing opportunity program, including the availability of non-Federal public and private funds.

(e) HOME QUALITY AND LOCATION.—A Nehemiah housing opportunity program may be approved under this title only if it provides that—

(1) the number of homes to be constructed or substantially rehabilitated under such program will not be less than whichever of the following is less:

(A) the greater of (i) 50 homes; or (ii) 0.25 percent of the number of existing dwelling units in the unit of general local government that provides the most assistance to such program; or

(B) 250 homes;

except that the Secretary may waive the requirements of this paragraph for any unit of general local government if the Governor of the State or the unit of general local government requests such waiver and certifies with supporting documentation that such requirements will prevent the State or the unit of general local government from being able to use such program effectively; 101 STAT. 1954

(2) each home constructed or substantially rehabilitated under such program will comply with—

(A)(i) applicable local building code standards;

(ii) in any case in which there is not an applicable local building code, a nationally recognized model building code mutually agreed upon by the sponsoring nonprofit organization and the Secretary; or

(iii) in the case of a manufactured home, the standards prescribed pursuant to title VI of the Housing and Community Development Act of 1974 and the installation, structural, and site requirements that would apply under title II of the National Housing Act; and

(B) the energy performance requirements established under section 526 of the National Housing Act or, in the case of manufactured housing, the energy conservation requirements prescribed in accordance with section 203(b) of the National Housing Act; Energy.

(3) all homes constructed or substantially rehabilitated under such program will be located in census tracts, or identifiable neighborhoods within census tracts, in which the median family income is not more than 80 percent of the median family income of the area in which such program is to be located, as such median family income and area are determined for purposes of assistance under section 8 of the United States Housing Act of 1937;

(4) all homes constructed or substantially rehabilitated under such program will be concentrated in a single neighborhood and located on contiguous parcels of land, except that homes may be constructed or substantially rehabilitated in up to 4 identifiable neighborhoods that each consist of contiguous parcels of land if—

(A) the unit of general local government in which the project is located certifies that land cannot be made available in a single neighborhood for a program of the size required by paragraph (1);

(B) the nonprofit organization submits evidence satisfactory to the Secretary that construction or substantial rehabilitation in more than 1 identifiable neighborhood will result in cost reductions through economies of scale comparable to the cost reductions achieved by other programs eligible for assistance under this title; and

(C) the nonprofit organization submits evidence satisfactory to the Secretary that the program, by itself or together with improvement efforts that are or will be undertaken in the identifiable neighborhoods by the unit of general local government or private entities, will result in a substantial improvement in the overall quality and long-term viability of the neighborhoods; and

(5) sales contracts entered into under such program will contain provisions requiring repayment of any loan made under this title upon the sale or other transfer of the home involved, unless the Secretary approves a transfer of such home without repayment (in which case the second mortgage held by the Secretary on such home shall remain in force until such loan is fully repaid). Contracts. 101 STAT. 1955

SEC. 607. PROGRAM SELECTION CRITERIA. 12 USC 1715*l* note.

(a) IN GENERAL.—In selecting Nehemiah housing opportunity programs for assistance under this title from among eligible programs,

the Secretary shall make such selection on the basis of the extent to which—

(1) non-Federal public or private entities will contribute land necessary to make each program feasible;

(2) non-Federal public and private financial or other contributions (including tax abatements, waivers of fees related to development, waivers of construction, development, or zoning requirements, and direct financial contributions) will reduce the cost of homes constructed or substantially rehabilitated under each program;

(3) each program will produce the greatest number of units for the least amount of assistance provided under this title, taking into consideration the cost differences among different market areas;

(4) each program is located in a neighborhood of severe physical and economic blight (and, in determining the degree of physical blight, the Secretary shall consider the condition of the housing, other buildings, and infrastructure, in the neighborhood of the proposed program);

(5) each program uses construction methods that will reduce the cost per square foot below the average construction cost in the market area involved; and

(6) each program provides for the involvement of local residents in the planning, and construction or substantial rehabilitation, of homes.

(b) EXCEPTION.—To the extent that non-Federal public entities are prohibited by the law of any State from making any form of contribution described in paragraph (1) or (2) of subsection (a), the Secretary shall not consider such form of contribution in evaluating such program.

12 USC 1715*l* note.

SEC. 608. DISTRIBUTION OF ASSISTANCE TO NONPROFIT ORGANIZATIONS.

(a) RESERVATION OF AMOUNTS.—Following the selection of any Nehemiah housing opportunity program for assistance under this title, the Secretary shall reserve sufficient amounts in the Nehemiah Housing Opportunity Fund for such assistance.

(b) DISTRIBUTION OF ASSISTANCE.—Following the sale of any home constructed or substantially rehabilitated under a Nehemiah housing opportunity program selected for assistance under this title, the Secretary shall provide to the sponsoring nonprofit organization an amount equal to the amount of the loan made to the family purchasing such home. Such amount shall be provided not more than 30 days after the sale of such home.

(c) MAXIMUM ASSISTANCE.—The assistance provided to any nonprofit organization under this title may not exceed $15,000 per home.

101 STAT. 1956

12 USC 1715*l* note.

SEC. 609. NEHEMIAH HOUSING OPPORTUNITY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the Nehemiah Housing Opportunity Fund. The Fund shall be available to the Secretary, to the extent approved in appropriation Acts, for purposes of providing assistance under section 603.

(b) ASSETS.—The Fund shall consist of—

(1) any amount appropriated under section 612;

(2) any amount received by the Secretary under section 604(b)(4); and

(3) any amount received by the Secretary under subsection (c).

(c) ADMINISTRATION.—Any amount in the Fund determined by the Secretary to be in excess of the amount currently required to carry out the provisions of this title shall be invested by the Secretary in obligations of, or obligations guaranteed as to both principal and interest by, the United States or any agency of the United States.

SEC. 610. REPORT.

12 USC 1715*l* note.

Not later than March 1, 1990, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the activities carried out under this title. Such report shall include—

(1) an analysis of the characteristics of the families assisted under this title, including family size, number of children, family income, sources of family income, race, age, and sex;

(2) an analysis of the market value of homes purchased under this title;

(3) an analysis of the non-Federal public and private financial or other contributions made to reduce the cost of homes constructed or substantially rehabilitated under each program;

(4) an analysis of the sales prices of homes under this title;

(5) an analysis of the amounts of the grants made to programs under this title; and

(6) any recommendations of the Secretary for modifications in the program established by this title in order to ensure the effective implementation of such program.

SEC. 611. REGULATIONS.

12 USC 1715*l* note.

Not later than July 1, 1988, the Secretary shall issue final regulations to carry out the provisions of this title. Any such regulations shall be issued in accordance with section 553 of title 5, United States Code, notwithstanding the provisions of subsection (a)(2) of such section.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

12 USC 1715*l* note.

There are authorized to be appropriated to carry out this title $25,000,000 for fiscal year 1988 and $100,000,000 for fiscal year 1989. Any amount appropriated under this section shall be deposited in the Nehemiah Housing Opportunity Fund, and shall remain available until expended.

SEC. 613. SUNSET.

12 USC 1715*l* note.

No assistance may be provided under this title after September 30, 1989, except pursuant to a commitment made on or before such date.

101 STAT. 1957

TITLE VII—ENTERPRISE ZONE DEVELOPMENT

SEC. 701. DESIGNATION OF ENTERPRISE ZONES.

State and local governments. 42 USC 11501.

(a) DESIGNATION OF ZONES.—

(1) DEFINITION.—For purposes of this section, the term "enterprise zone" means any area that—

(A) is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (in this section referred to as a "nominated area"); and

(B) the Secretary of Housing and Urban Development designates as an enterprise zone, after consultation with—

(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury, the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration; and

(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

(2) NUMBER OF DESIGNATIONS.—

(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 100 nominated areas as enterprise zones.

(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under clause (i), not less than ⅓ shall be areas that—

(i) are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available);

(ii) are outside of a metropolitan statistical area (as designated by the Director of the Office of Management and Budget); or

(iii) that are determined by the Secretary, after consultation with the Secretary of Commerce, to be rural areas.

(3) AREAS DESIGNATED BASED SOLELY ON DEGREE OF POVERTY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall designate the nominated areas with the highest average ranking with respect to the criteria set forth in subparagraphs (C), (D), and (E) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area that exceeds such criterion by the greatest amount given the highest ranking.

(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary determines that the course of action with respect to such area is inadequate.

(C) SEPARATE APPLICATION TO RURAL AND OTHER AREAS.—Subparagraph (A) shall be applied separately with respect to areas described in paragraph (2)(B) and to other areas.

(4) LIMITATION ON DESIGNATIONS.—

101 STAT. 1958

(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone, the Secretary shall prescribe by regulation not later than 4 months following the date of the enactment of this Act, after consultation with the officials described in paragraph (1)(B)—

(i) the procedures for nominating an area under paragraph (1)(A);

(ii) the parameters relating to the size and population characteristics of an enterprise zone; and

(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

(B) TIME LIMITATIONS.—The Secretary shall designate nominated areas as enterprise zones only during the 24-month period beginning on the 1st day of the 1st month following the month in which the effective date of the regulations described in subparagraph (A) occurs.

(C) PROCEDURAL RULES.—The Secretary shall not make any designation under paragraph (1) unless—

(i) the local governments and the State in which the nominated area is located have the authority—

(I) to nominate such area for designation as an enterprise zone;

(II) to make the State and local commitments under subsection (d); and

(III) to provide assurances satisfactory to the Secretary that such commitments will be fulfilled;

Regulations.

(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary shall by regulation prescribe;

(iii) the Secretary determines that any information furnished is reasonably accurate; and

(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reserva-

tion governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

(A) December 31 of the 24th calendar year following the calendar year in which such date occurs;

(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(4)(C)(ii); or

(C) the date the Secretary revokes such designation under paragraph (2).

(2) REVOCATION OF DESIGNATION.—The Secretary, after consultation with the officials described in subsection (a)(1)(B) and a hearing on the record involving officials of the State or local government involved, may revoke the designation of an area if the Secretary determines that the local government or the State in which it is located is not complying substantially with the State and local commitments pursuant to subsection (d).

(c) AREA AND ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

(A) the area is within the jurisdiction of the local government;

(B) the boundary of the area is continuous; and

(C) the area—

(i) has a population, as determined by the most recent census data available, of not less than—

(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (as designated by the Director of the Office of Management and Budget) with a population of 50,000 or more; or

(II) 1,000 in any other case; or

(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that—

(A) the area is one of pervasive poverty, unemployment, and general distress;

(B) the area is located wholly within the jurisdiction of a local government that is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this Act;

(C) the unemployment rate, as determined by the appropriate available data, was not less than 1.5 times the national unemployment rate for that period;

(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was not less than 20 percent for the period to which such data relate; and

(E) the area meets at least one of the following criteria:

(i) Not less than 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government

(determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

(ii) The population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

(4) ELIGIBILITY REQUIREMENTS FOR RURAL AREAS.—For purposes of paragraph (1), a nominated area that is a rural area described in subsection (a)(2)(B) meets the requirements of paragraph (3) if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that the area meets—

(A) the criteria set forth in subparagraphs (A) and (B) of paragraph (3); and

(B) not less than one of the criteria set forth in the other subparagraphs of paragraph (3).

(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designated to reduce the various burdens borne by employers or employees in such area. A course of action shall not be treated as meeting the requirements of this paragraph unless the course of action include provisions described in not less than 4 of the subparagraphs of paragraph (2).

(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any program administered by the Secretary of Housing and Urban Development or of any program administered by the Secretary of Agriculture under title V of the Housing Act of 1949, and may include, but is not limited to—

(A) a reduction of tax rates or fees applying within the enterprise zone;

(B) an increase in the level of public services, or in the efficiency of the delivery of public services, within the enterprise zone;

(C) actions to reduce, remove, simplify, or streamline paperwork requirements within the enterprise zone;

Employment and unemployment

(D) involvement in the program by public authorities or private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a written commitment to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated area;

Minorities

(E) the giving of special preference to contractors owned and operated by members of any minority; and

Gifts and property

(F) the gift (or sale at below fair market value) of surplus land in the enterprise zone to neighborhood organizations agreeing to operate a business on the land.

(3) RECOGNITION OF PAST EFFORTS.—In evaluating courses of action agreed to by any State or local government, the Secretary shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

(4) PROHIBITION OF ASSISTANCE FOR BUSINESS RELOCATIONS.—

(A) IN GENERAL.—The course of action implemented under paragraph (1) may not include any action to assist—

(i) any establishment relocating from one area to another area; or

Contracts

(ii) any subcontractor whose purpose is to divest, or whose economic success is dependent upon divesting, any other contractor or subcontractor of any contract

customarily performed by such other contractor or subcontractor. 101 STAT. 1961

(B) EXCEPTION.—The limitations established in subparagraph (A) shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary if the Secretary—

(i) finds that the establishment of the new branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where the existing business entity conducts business operations; and

(ii) has no reason to believe that the new branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where the existing business entity conducts business operations.

(c) DEFINITIONS.—For purposes of this section:

(1) GOVERNMENT.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

(2) LOCAL GOVERNMENT.—The term "local government" means—

(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State;

(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary; and

(C) the District of Columbia.

(3) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(4) STATE.—The term "State" includes Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

SEC. 702. EVALUATION AND REPORTING REQUIREMENTS. 42 USC 11502.

Not later than the close of the 4th calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each 4th calendar year thereafter, the Secretary shall prepare and submit to the Congress a report on the effects of such designation in accomplishing the purposes of this title.

SEC. 703. INTERACTION WITH OTHER FEDERAL PROGRAMS. 42 USC 11503.

(a) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 701 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (42 U.S.C. 4601 et seq.)); or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(b) ENTERPRISE ZONES TREATED AS LABOR SURPLUS AREAS.—Any area that is designated as an enterprise zone under section 701 shall be treated for all purposes under Federal law as a labor surplus area.

101 STAT. 1962

SEC. 704. WAIVER OR MODIFICATION OF HOUSING AND COMMUNITY DEVELOPMENT RULES IN ENTERPRISE ZONES. 42 USC 11504.

(a) IN GENERAL.—Upon the written request of the governments that designated and approved an area that has been designated as an enterprise zone under section 701, the Secretary of Housing and Urban Development (or, with respect to any rule issued under title

V of the Housing Act of 1949, the Secretary of Agriculture) may, in order to further the job creation, community development, or economic revitalization objectives of the zone, waive or modify all or part of any rule that the Secretary has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

Discrimination, prohibition.

(b) LIMITATION.—No provision of this section may be construed to authorize the Secretary to waive or modify any rule adopted to carry out a statute or Executive order that prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

(c) SUBMISSION OF REQUESTS.—A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to the Secretary of Agriculture, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

(d) CONSIDERATION OF REQUESTS.—In considering a request, the Secretary shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area that would be affected by the change. The Secretary shall approve the request whenever the Secretary finds, in the discretion of the Secretary, that the public interest that the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest that continuation of the rule unchanged would serve in furthering such underlying purposes. The Secretary shall not approve any request to waive or modify a rule if that waiver or modification would—

(1) directly violate a statutory requirement; or

Health and medical care. Safety.

(2) be likely to present a significant risk to the public health, including environmental health or safety.

(e) NOTICE OF DISAPPROVAL.—If a request is disapproved, the Secretary shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

(f) PERIOD FOR DETERMINATION.—The Secretary shall discharge the responsibilities of the Secretary under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

(g) APPLICABLE PROCEDURES.—A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of title 5, United States Code.

101 STAT. 1963

To facilitate reaching a decision on any requested waiver or modification, the Secretary may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The Secretary shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

Federal Register, publication.

(h) EFFECT OF SUBSEQUENT AMENDMENT OF RULES.—In the event that the Secretary proposes to amend a rule for which a waiver or modification under this section is in effect, the Secretary shall not change the waiver or modification to impose additional requirements unless the Secretary determines, consistent with standards contained in subsection (d), that such action is necessary.

(i) EXPIRATION OF WAIVERS AND MODIFICATIONS.—No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designa-

tion remains in effect for the area in which the waiver or modification applies.

(j) DEFINITIONS.—For purposes of this section:

(1) RULE.—The term "rule" means—

(A) any rule as defined in section 551(4) of title 5, United States Code; or

(B) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of such title 5.

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development or, with respect to any rule issued under title V of the Housing Act of 1949, the Secretary of Agriculture.

SEC. 705. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end the following new subsection: 42 USC 3532.

"(d) The Secretary shall—

"(1) promote the coordination of all programs under the jurisdiction of the Secretary that are carried on within an enterprise zone designated pursuant to section 701 of the Housing and Community Development Act of 1987;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation of forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary.". Reports.

101 STAT. 1964

SEC. 706. COORDINATION WITH CDBG AND UDAG PROGRAMS. Grants. 42 USC 11505.

It is the policy of the Congress that amounts provided under the community development block grant and urban development action grant programs under title I of the Housing and Community Development Act of 1974 shall not be reduced in any fiscal year in which the provisions of this title are in effect.

Approved February 5, 1988.

LEGISLATIVE HISTORY—S. 825 (H.R. 4):

HOUSE REPORTS: No. 100-122 and Pt. 2 accompanying H.R. 4 (Comm. on Banking, Finance and Urban Affairs) and No. 100-426 (Comm. of Conference).

SENATE REPORTS: No. 100-21 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Mar. 30, 31, considered and passed Senate.

June 10, 11, H.R. 4 considered and passed House.

June 17, S. 825 considered and passed House, amended.

Nov. 9, House agreed to conference report.

Dec. 21, Senate concurred in House amendments with amendment. House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Feb. 5, Presidential remarks.

Public Law 100-33
100th Congress

101 STAT. 299

An Act

To designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system.

May 7, 1987
[H.R. 14]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION AS STUDY RIVERS.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

"(96) MAURICE, NEW JERSEY.—The segment from Shell Pile to the point three miles north of Laurel Lake.

"(97) MANUMUSKIN, NEW JERSEY.—The segment from its confluence with the Maurice River to the crossing of State Route 49.

"(98) MENANTICO CREEK, NEW JERSEY.—The segment from its confluence with the Maurice River to its source.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of conducting the studies of the rivers named in section 1 there are authorized to be appropriated such sums as necessary.

Approved May 7, 1987.

LEGISLATIVE HISTORY—H.R. 14:

HOUSE REPORTS: No. 100-18 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-38 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 10, considered and passed House.
Apr. 23, considered and passed Senate.

Public Law 100-34
100th Congress

101 STAT. 300

An Act

To amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes.

May 7, 1987
[H.R. 1963]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SPECIAL STATE SET-ASIDE

SEC. 101. AMENDMENT OF SURFACE MINING CONTROL AND RECLAMATION ACT.

Section 402(g) of the Surface Mining Control and Reclamation Act of 1977 is amended by redesignating paragraph (3) as paragraph (4) 30 USC 1232.

and by adding the following new paragraph after paragraph (2):

"(3) SPECIAL STATE SET-ASIDE FOR FUTURE EXPENDITURE.—Notwithstanding the proviso contained in paragraph (2), any State may receive and retain, without regard to the three-year limitation referred to in such proviso, up to ten per centum of the appropriated funds granted annually by the Secretary to that State under paragraph (2) if such moneys are deposited in a special trust fund established under State law and such moneys (together with all interest earned on such moneys) may be expended by the State solely to accomplish the purposes of this title after August 3, 1992. All moneys so deposited in special State trust accounts, as well as all interest earned, shall be considered State moneys. This paragraph shall cease to apply to any State for fiscal years after any fiscal year in which approval of the State regulatory program under section 503 is terminated or withdrawn by the Secretary until the first subsequent fiscal year after the fiscal year in which the Secretary reapproves the State program.".

30 USC 1253.

TITLE II—TWO-ACRE EXEMPTION

SEC. 201. REPEAL OF EXEMPTION.

(a) REPEAL.—Section 528 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1278) is amended as follows:

(1) In paragraph (1), insert "and" immediately after "him;".

(2) Strike out paragraph (2).

(3) Redesignate paragraph (3) as (2).

30 USC 1278 note. Coal.

(b) EFFECTIVE DATE FOR NEW OPERATIONS.—The amendments made by this section shall take effect on the date 30 days after the enactment of this Act with respect to each operator commencing surface coal mining operations on or after such date.

30 USC 1278 note. Coal.

(c) EFFECTIVE DATE FOR EXISTING OPERATIONS.—The amendments made by this section shall take effect on the date 6 months after the enactment of this Act with respect to each operator commencing surface coal mining operations pursuant to an authorization under State law before the date 30 days after the enactment of this Act. Nothing in this Act shall preclude reclamation activities pursuant to State law or regulations at the site of any surface coal mine which was exempt from the Surface Mining Control and Reclamation Act of 1977 under section 528(2) of that Act, as in effect before the enactment of this Act.

101 STAT. 301

30 USC 1278.

30 USC 1278 note.

(d) EFFECT ON STATE LAW.—To the extent that any provision of a State law, or of a State regulation, adopted pursuant to the exception under section 528(2) of the Surface Mining Control and Reclamation Act of 1977 as in effect before the enactment of this Act, is inconsistent with the amendments made by this section, such provision shall be of no further force and effect after the effective date of such amendments.

30 USC 1278 note.

30 USC 1291.

(e) DEFINITION.—For purposes of this section, the term "surface coal mining operations" has the meaning provided by section 701(28) of the Surface Mining Control and Reclamation Act of 1977.

Approved May 7, 1987.

LEGISLATIVE HISTORY—H.R. 1963 (S. 643):

HOUSE REPORTS: No. 100-59 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-37 accompanying S. 643 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Apr. 21, considered and passed House.
Apr. 23, considered and passed Senate.

Public Law 100-42
100th Congress

101 STAT. 310

An Act

To repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978.

May 21, 1987
[H.R. 1941]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Energy.

SECTION 1. REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978.

(a) IN GENERAL.—The following provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) are repealed:

(1) Section 202 (42 U.S.C. 8312).
(2) Section 302 (42 U.S.C. 8342).
(3) Section 401 (42 U.S.C. 8371).
(4) Section 402 (42 U.S.C. 8372).
(5) Section 405 (42 U.S.C. 8375).
(6) Title V (42 U.S.C. 8391).
(7) Section 801 (42 U.S.C. 8481).

(b) CLERICAL AMENDMENT.—The table of contents in section 101(b) of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking the items relating to the provisions repealed by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—(1) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended—

(A) by striking "and major fuel-burning installations" wherever it appears; and

(B) in subsection (b), by striking paragraphs (2) and (6) and redesignating paragraphs (3), (4), (5), (7), (8), (9), (10), (11), and (12) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10), respectively.

(2) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(A) in subsection (a)(13)(B)—

(i) by striking clause (ii)(III);

(ii) by striking "; or" at the end of clause (ii)(II) and inserting a period; and

(iii) by inserting "and" at the end of clause (ii)(I);

(B) in subsection (a)(15), by striking "or major fuel-burning installation";

(C) in subsection (a)(16), by striking "or installation" each place it appears;

(D) in subsection (a)(19), by striking "or a major fuel-burning installation";

(E) in subsection (a)(20), by striking "or major fuel-burning installation";

(F) in subsection (b), by striking "or major fuel-burning installation" wherever it appears;

(G) in subsection (b)(1)(D), by striking all after "synthetic gas involved" and inserting a period; and

(H) by striking subsection (b)(3).

101 STAT. 311

(3) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows:

"SEC. 104. TERRITORIAL APPLICATION.

"The provisions of this Act shall only apply within the contiguous 48 States and the District of Columbia.".

(4)(A) Section 201 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8311) is amended to read as follows:

"SEC. 201. COAL CAPABILITY OF NEW ELECTRIC POWERPLANTS; CERTIFICATION OF COMPLIANCE.

"(a) GENERAL PROHIBITION.—Except to such extent as may be authorized under subtitle B, no new electric powerplant may be

constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source.

"(b) CAPABILITY TO USE COAL OR ALTERNATE FUEL.—An electric powerplant has the capability to use coal or another alternate fuel for purposes of this section if such electric powerplant—

"(1) has sufficient inherent design characteristics to permit the addition of equipment (including all necessary pollution devices) necessary to render such electric powerplant capable of using coal or another alternate fuel as its primary energy source; and

"(2) is not physically, structurally, or technologically precluded from using coal or another alternate fuel as its primary energy source.

Capability to use coal or another alternate fuel shall not be interpreted to require any such powerplant to be immediately able to use coal or another alternate fuel as its primary energy source on its initial day of operation.

"(c) APPLICABILITY TO BASE LOAD POWERPLANTS.—(1) This section shall apply only to base load powerplants, and shall not apply to peakload powerplants or intermediate load powerplants.

"(2) For the purposes of this section, hours of electrical generation pursuant to emergency situations, as defined by the Secretary and reported to the Secretary, shall not be included in a determination of whether a powerplant is being operated as a base load powerplant.

Natural gas. Petroleum and petroleum products.

"(d) SELF-CERTIFICATION.—(1) In order to meet the requirement of subsection (a), the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary prior to construction, or prior to operation as a base load powerplant in the case of a new electric powerplant operated as a peakload powerplant or intermediate load powerplant, that such powerplant has capability to use coal or another alternate fuel, within the meaning of subsection (b). Such certification shall be effective to establish compliance with the requirement of subsection (a) as of the date it is filed with the Secretary. Within 15 days after receipt of a certification submitted pursuant to this paragraph, the Secretary shall publish in the Federal Register a notice reciting that the certification has been filed.

Federal Register, publication.

"(2) The Secretary, within 60 days after the filing of a certification under paragraph (1), may require the owner or operator of such powerplant to provide such supporting documents as may be necessary to verify the certification.".

101 STAT. 312

(B) The item relating to section 201 in the table of contents in section 101(b) of the Powerplant and Industrial Fuel Use Act of 1978 is amended to read as follows:

"Sec. 201. Coal capability of new electric powerplants; certification of compliance.".

(5) Section 211 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8321) is amended—

(A) by striking "or installation from one or more of" and inserting "from" each place it appears;

(B) by striking "or installation" wherever it appears;

(C) in subsection (a)(1), by striking "using imported petroleum" and inserting "the fuel that would be used";

(D) in subsection (a)(3), by striking "or 202"; and

(E) by striking subsections (c) and (d).

(6) Section 212 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8322) is amended—

(A) by striking "or installation from one or more of" each place it appears and inserting "from";

(B) by striking "or installation" each place it appears;

(C) in subsection (a)(1)(A), by striking "using imported petroleum" and inserting "the fuel that would be used";

(D) in subsection (a)(2), by striking all that follows "paragraph (1) shall" through "new electric powerplant,";

(E) by striking subsection (a)(3);

(F) in subsection (b)(2), by striking "in the case of a powerplant,";

(G) in subsection (d)—

(i) by striking "(1)" after the subsection heading;

(ii) by striking paragraph (2); and

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(H) by striking subsections (g), (h), (i), and (j).

(7) Section 213 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8323) is amended—

(A) in subsections (a) and (c)(1), by striking "or (g)";

(B) in subsection (a), by striking "or installation"; and

(C) by amending subsection (b) to read as follows:

"(b) STATE APPROVAL REQUIRED FOR POWERPLANT.—If the appropriate State regulatory authority has not approved a powerplant for which a petition has been filed, such exemption, to the extent it applies to the prohibition under section 201 against construction without the capability of using coal or another alternate fuel, shall not take effect until all approvals required by such State regulatory authority which relate to construction have been obtained.".

(8) Section 214(a) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8324(a)) is amended by striking "or installation".

(9) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343) is amended—

(A) by striking "or installation" and "or installations" wherever they appear;

(B) in subsection (a)(1) by striking "or 302";

(C) by striking subsection (a)(3);

(D) by amending subsection (b)(1) to read as follows:

"(1) The Secretary may prohibit, by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants."; and

Natural gas. Petroleum and petroleum products.

(E) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order.".

101 STAT. 313

(10) Subtitle B of title III of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8351-8354) is amended by striking "or installation" each place it appears.

(11) Section 311(a)(3) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8351(a)(3)) is amended by striking "or 302".

(12) Section 312 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8352) is amended—

(A) by striking subsection (d)(2);

(B) in subsection (d)(3), by striking "In the case of an existing electric powerplant, the" and inserting "The"; and

(C) by striking subsections (j), (k), and (l).

(13) Section 313(a) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8353(a)) is amended by striking "(i), or (j)" and inserting "or (i)".

(14) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373) is amended—

(A) in subsection (a)(1), by striking ", major fuel-burning installation, or other unit" and ", installation, or unit";

(B) in subsection (a)(2), by striking ", installation, or other unit" and ", installation, or unit";

(C) in subsection (a)(2), by striking the last sentence; and

(D) by striking subsection (a)(3).

(15) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking subsection (g).

(16) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8411) is amended—

(A) in subsection (b), by striking "(other than under section 402)" and "or installation";

(B) in subsection (c)—

(i) by striking "or permit" each place it appears;

(ii) by striking "or for any permit under section 405," in paragraph (1);

(iii) by striking "or, where appropriate, major fuel-burning installation" in paragraph (2); and

(iv) by striking paragraph (4);

(C) in the first sentence of subsection (d)(1)—

(i) by striking "(or permit)"; and

(ii) by striking "(other than under section 402)";

(D) in subsection (f), by striking "402 or" both places it appears; and

(E) by striking subsection (g).

(17) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421) is amended by striking in the first sentence of subsection (a), "or major fuel-burning installation".

(18) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking subsection (c).

(19) Section 722 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8432) is amended by striking "(other than section 402)".

(20) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended—

(A) in subsection (a), by striking "(other than section 402)";

101 STAT. 314

(B) in subsection (b), by striking "(1)"; and

(C) by striking subsections (b)(2) and (c).

(21) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended—

(A) in subsections (a)(1) and (g)(3), by striking "title II or"; and

(B) in subsection (e)(1), by striking "or major fuel-burning installation" and "or major fuel burning installation".

(22) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking in the first sentence of subsection (a) "and major fuel-burning installations".

(23) Section 761(a) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471(a)) is amended by striking "or major fuel-burning installation".

(24) Section 763 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8473) is amended—

(A) by striking "or major fuel-burning installation" each place it appears; and

(B) by striking paragraph (2)(B).

Natural gas.

SEC. 2. REPEAL OF INCREMENTAL PRICING REQUIREMENTS.

(a) REPEAL.—Subject to subsections (b) and (c) of this section, title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is repealed, and the items relating to title II are stricken from the table of contents of that Act.

15 USC 3341 note.

(b) LIMITED CONTINUING EFFECT OF RULES.—A rule promulgated by the Federal Energy Regulatory Commission, under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flowthrough of costs incurred before the enactment of this section, including any surcharges based on such costs.

15 USC 3341 note.

(c) IMPLEMENTATION.—The Federal Energy Regulatory Commission may take appropriate action to implement this section.

Approved May 21, 1987.

LEGISLATIVE HISTORY—H.R. 1941 (S. 85):

HOUSE REPORTS: No. 100-78 (Comm. on Energy and Commerce).
SENATE REPORTS: No. 100-30 accompanying S. 85 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
May 4, considered and passed House.
May 7, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
May 21, Presidential remarks.

Public Law 100-63
100th Congress

101 STAT. 379

An Act

To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.

June 30, 1987
[H.R. 191]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Parks, monuments, etc.
40 USC 1003 note.
District of Columbia.
Public buildings and grounds.

SECTION 1. ESTABLISHMENT OF PEACE GARDEN.

The Secretary of the Interior, acting through the Director of the National Park Service is authorized to enter into an agreement with the Peace Garden Project, Incorporated (a nonprofit corporation organized under the laws of the State of California) pursuant to which the Peace Garden Project, Incorporated may construct a garden to be known as the "Peace Garden" on a site on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site for the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. PROCEDURES AND DOCUMENTATION.

(a) PROCEDURES.—The site selection, design and construction of the Peace Garden shall comply with all procedures, rules, policies, and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

(b) DOCUMENTATION.—The agreement under section 1 shall require that the Peace Garden Project, Incorporated provide complete documentation of the design and construction of the Peace Garden to the Director of the National Park Service. Such documentation shall be permanently maintained.

SEC. 3. PREPARATION AND APPROVAL OF DESIGN PLANS.

The agreement under section 1 shall require the Peace Garden Project, Incorporated to be responsible for the preparation of the design plans for the Peace Garden. Such plans shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 4. APPROVAL FOR COMMENCEMENT OF CONSTRUCTION.

The Peace Garden Project, Incorporated may not commence construction of the Peace Garden until both of the following conditions have been met:

(1) The Secretary of the Interior has determined that the full amount of funds estimated to be necessary for the completion of such construction in accordance with the design plans approved under section 3 are available from non-Federal sources.

(2) An additional amount equal to 10 percent of the estimated construction cost has been made available from non-Federal sources to the Secretary of the Interior to provide for maintenance of the Peace Garden.

101 STAT. 380

SEC. 5. MAINTENANCE.

The Secretary of the Interior shall, upon the completion of the construction of the Peace Garden, maintain the garden. Notwithstanding any other provision of law, the Secretary may retain and use for such purpose the monies made available under paragraph (2) of section 4.

SEC. 6. PAYMENT OF EXPENSES.

The United States may not pay any expense of the construction of the Peace Garden except that technical advice may be provided by the Secretary of the Interior as he deems necessary.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to establish the Peace Garden under this Act shall expire at the end of the 5-year period beginning on the date of the enactment of this Act, unless construction of such garden begins during such period.

Approved June 30, 1987.

LEGISLATIVE HISTORY—H.R. 191:

HOUSE REPORTS: No. 100-17 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-69 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 10, considered and passed House.
June 17, considered and passed Senate.

101 STAT. 674 Public Law 100-91
100th Congress

An Act

Aug. 18, 1987
[H.R. 921]

To require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 1a-1 note.

SECTION 1. STUDY OF PARK OVERFLIGHTS.

(a) STUDY BY PARK SERVICE.—The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Director of the National Park Service, shall conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System. The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator"), shall provide technical assistance to the Secretary in carrying out the study.

(b) GENERAL REQUIREMENTS OF STUDY.—The study shall identify any problems associated with overflight by aircraft of units of the National Park System and shall provide information regarding the types of overflight which may be impacting on park unit resources. The study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect such units. The study shall identify those park system units, and portions thereof, in which the most serious adverse impacts from aircraft overflights exist.

Safety.
Pollution.
Alaska.

(c) SPECIFIC REQUIREMENTS.—The study under this section shall include research at the following units of the National Park System: Cumberland Island National Seashore, Yosemite National Park, Hawaii Volcanoes National Park, Haleakala National Park, Glacier National Park, and Mount Rushmore National Memorial, and at no less than four additional units of the National Park System, excluding all National Park System units in the State of Alaska. The research at each such unit shall provide information and an evaluation regarding each of the following:

(1) the impacts of aircraft noise on the safety of the park system users, including hikers, rock-climbers, and boaters;

(2) the impairment of visitor enjoyment associated with flights over such units of the National Park System;

(3) other injurious effects of overflights on the natural, historical, and cultural resources for which such units were established; and

(4) the values associated with aircraft flights over such units of the National Park System in terms of visitor enjoyment, the protection of persons or property, search and rescue operations and firefighting.

Such research shall evaluate the impact of overflights by both fixed-wing aircraft and helicopters. The research shall include an evaluation of the differences in noise levels within such units of the National Park System which are associated with flight by commonly used aircraft at different altitudes. The research shall apply only to overflights and shall not apply to landing fields within, or adjacent to, such units. 101 STAT. 675

(d) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of the study carried out under this section. Such report shall also contain recommendations for legislative and regulatory action which could be taken regarding the information gathered pursuant to paragraphs (1) through (4) of subsection (c). Before submission to the Congress, the Secretary shall provide a draft of the report and recommendations to the Administrator for review. The Administrator shall review such report and recommendations and notify the Secretary of any adverse effects which the implementation of such recommendations would have on the safety of aircraft operations. The Administrator shall consult with the Secretary to resolve issues relating to such adverse effects. The final report shall include a finding by the Administrator that implementation of the recommendations of the Secretary will not have adverse effects on the safety of aircraft operations, or if the Administrator is unable to make such finding, a statement by the Administrator of the reasons he believes the Secretary's recommendations will have an adverse effect on the safety of aircraft operations. Safety.

(e) FAA REVIEW OF RULES.—The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the National Park System at which research is conducted under subsection (c) and over any other such units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether changes are needed in such rules and regulations on the basis of aviation safety. Not later than 180 days after the identification of the units of the National Park System for which research is to be conducted under subsection (c), the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which are needed to implement any such changes. Reports.

(f) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the studies and review under this section. Appropriation authorization.

SEC. 2. FLIGHTS OVER YOSEMITE AND HALEAKALA DURING STUDY AND REVIEW. 16 USC 1a-1 note.

(a) YOSEMITE NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. For purposes of this subsection, the term "surface" refers to the highest terrain within the park which is within 2,000 feet laterally of the route of flight and with respect to Yosemite Valley such term refers to the upper-most rim of the valley.

(b) HALEAKALA NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude below 9,500 feet above mean sea level over the surface of any of the following areas in Haleakala National Park: Haleakala

101 STAT. 676

Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint.

(c) STUDY AND REVIEW PERIODS.—For purposes of subsections (a) and (b), the study period shall be the period of the time after the date of enactment of this Act and prior to the submission of the report under section 1. The review period shall comprise a 2-year period for Congressional review after the submission of the report to Congress.

(d) EXCEPTIONS.—The prohibitions contained in subsections (a) and (b) shall not apply to any of the following:

(1) emergency situations involving the protection of persons or property, including aircraft;

(2) search and rescue operations;

(3) flights for purposes of firefighting or for required administrative purposes; and

(4) compliance with instructions of an air traffic controller.

(e) ENFORCEMENT.—For purposes of enforcement, the prohibitions contained in subsections (a) and (b) shall be treated as requirements established pursuant to section 307 of the Federal Aviation Act of 1958. To provide information to pilots regarding the restrictions established under this Act, the Administrator shall provide public notice of such restrictions in appropriate Federal Aviation Administration publications as soon as practicable after the enactment of this Act.

Public information. 49 USC app. 1348.

Safety. Pollution. 16 USC 1a-1 note.

SEC. 3. GRAND CANYON NATIONAL PARK.

(a) Noise associated with aircraft overflights at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

(b) RECOMMENDATIONS.—

(1) SUBMISSION.—Within 30 days after the enactment of this Act, the Secretary shall submit to the Administrator recommendations regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The recommendations shall provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Except as provided in subsection (c), the recommendations shall contain provisions prohibiting the flight of aircraft below the rim of the Canyon, and shall designate flight free zones. Such zones shall be flight free except for purposes of administration and for emergency operations, including those required for the transportation of persons and supplies to and from Supai Village and the lands of the Havasupai Indian Tribe of Arizona. The Administrator, after consultation with the Secretary, shall define the rim of the Canyon in a manner consistent with the purposes of this paragraph.

Indians. Arizona.

(2) IMPLEMENTATION.—Not later than 90 days after receipt of the recommendations under paragraph (1) and after notice and opportunity for hearing, the Administrator shall prepare and issue a final plan for the management of air traffic in the air space above the Grand Canyon. The plan shall, by appropriate

101 STAT. 677

regulation, implement the recommendations of the Secretary without change unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. If the Administrator determines that implementing the recommendations would adversely affect aviation safety, he shall, not later than 60 days after making such determination, in consultation with the Secretary and after notice and opportunity for hearing, review the recommendations consistent with the requirements of paragraph (1) to eliminate the adverse effects on aviation safety and issue regulations implementing

Regulations.

the revised recommendations in the plan. In addition to the Administrator's authority to implement such regulations under the Federal Aviation Act of 1958, the Secretary may enforce the appropriate requirements of the plan under such rules and regulations applicable to the units of the National Park System as he deems appropriate. 49 USC app. 1301 note.

(3) REPORT.—Within 2 years after the effective date of the plan required by subsection (b)(2), the Secretary shall submit to the Congress a report discussing—

(A) whether the plan has succeeded in substantially restoring the natural quiet in the park; and

(B) such other matters, including possible revisions in the plan, as may be of interest.

The report shall include comments by the Administrator regarding the effect of the plan's implementation on aircraft safety.

(c) HELICOPTER FLIGHTS OF RIVER RUNNERS.—Subsection (b) shall not prohibit the flight of helicopters—

(1) which fly a direct route between a point on the north rim outside of the Grand Canyon National Park and locations on the Hualapai Indian Reservation (as designated by the Tribe); and Indians.

(2) whose sole purpose is transporting individuals to or from boat trips on the Colorado River and any guide of such a trip.

SEC. 4. BOUNDARY WATERS CANOE AREA WILDERNESS. 16 USC 1a-1 note.

The Administrator shall conduct surveillance of aircraft flights over the Boundary Waters Canoe Area Wilderness as authorized by the Act of October 21, 1978 (92 Stat. 1649–1659) for a period of not less than 180 days beginning within 60 days of enactment of this Act. In addition to any actions the Administrator may take as a result of such surveillance, he shall provide a report to the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the United States Senate. Such report is to be submitted within 30 days of completion of the surveillance activities. Such report shall include but not necessarily be limited to information on the type and frequency of aircraft using the airspace over the Boundary Waters Canoe Area Wilderness. Reports.

SEC. 5. ASSESSMENT OF NATIONAL FOREST SYSTEM WILDERNESS OVERFLIGHTS. 16 USC 1a-1 note.

(a) ASSESSMENT BY FOREST SERVICE.—The Chief of the Forest Service (hereinafter referred to as the "Chief") shall conduct an assessment to determine what, if any, adverse impacts to wilderness resources are associated with overflights of National Forest System wilderness areas. The Administrator of the Federal Aviation Administration shall provide technical assistance to the Chief in carrying out the assessment. Such assessment shall apply only to overflight of wilderness areas and shall not apply to aircraft flights or landings adjacent to National Forest System wilderness units. The assessment shall not apply to any National Forest System wilderness units in the State of Alaska. 101 STAT. 678 Alaska.

(b) REPORT TO CONGRESS.—The Chief shall submit a report to Congress within 2 years after enactment of this Act containing the results of the assessments carried out under this section.

(c) AUTHORIZATION.—Effective October 1, 1987, there are authorized to be appropriated such sums as may be necessary to carry out the assessment under this section. Appropriation authorization.

16 USC 1a-1 note.

SEC. 6. CONSULTATION WITH FEDERAL AGENCIES.

In conducting the study and the assessment required by this Act, the Secretary of the Interior and the Chief of the Forest Service shall consult with other Federal agencies that are engaged in an analysis of the impacts of aircraft overflights over federally-owned land.

Approved August 18, 1987.

LEGISLATIVE HISTORY—H.R. 921:

HOUSE REPORTS: No. 100-69, Pt. 1 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-97 (Comm. on Energy and Natural Resources) and No. 100-125 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 133 (1987):
May 4, considered and passed House.
July 28, considered and passed Senate, amended.
Aug. 3, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Aug. 18, Presidential statement.

101 STAT. 879 Public Law 100-149
100th Congress

An Act

Nov. 2, 1987
[H.R. 317]

To amend the Wild and Scenic Rivers Act by designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MERCED RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

National parks, monuments, etc.

"( ) MERCED, CALIFORNIA.—The main stem from its sources (including Red Peak Fork, Merced Peak Fork, Triple Peak Fork, and Lyell Fork) on the south side of Mount Lyell in Yosemite National Park to a point 300 feet upstream of the confluence with Bear Creek, consisting of approximately 71 miles, and the South Fork of the river from its source near Triple Divide Peak in Yosemite National Park to the confluence with the main stem, consisting of approximately 43 miles, both as generally depicted on the map entitled 'Merced River Wild and Scenic Rivers—Proposed', dated June 1987, to be administered by the Secretary of Agriculture and the Secretary of the Interior. With respect to the portions of the river designated by this paragraph which are within the boundaries of Yosemite National Park, and the El Portal Administrative Unit, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of such river segments. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph, except that no more than $235,000 may be appropriated to the Secretary of Agriculture for the acquisition of lands and interests in lands.".

Appropriation authorization.

SEC. 2. STUDY.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof— 101 STAT. 880

"(96) MERCED, CALIFORNIA.—The segment from a point 300 feet upstream of the confluence with Bear Creek downstream to the point of maximum flood control storage of Lake McClure (elevation 867 feet mean sea level).".

(b) RENUMBERING.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by redesignating the paragraphs relating to the Klickitat and White Salmon as paragraphs (94) and (95) respectively.

Approved November 2, 1987.

LEGISLATIVE HISTORY—H.R. 317:

HOUSE REPORTS: No. 100-32 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-96 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 31, considered and passed House.
July 8, considered and passed Senate, amended.
Oct. 13, House concurred in Senate amendment with amendment.
Oct. 16, Senate concurred in House amendment.

Public Law 100-150
100th Congress

101 STAT. 881

An Act

To designate a segment of the Kings River in California as a wild and scenic river, and for other purposes.

Nov. 3, 1987
[H.R. 799]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF KINGS RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(62) KINGS, CALIFORNIA.—The Middle Fork of the Kings River from its headwaters at Lake Helen between Muir Pass and Black Giant Mountain to its confluence with the main stem; the South Fork, Kings River from its headwaters at Lake 11599 to its confluence with the main stem; and the main stem of the Kings River from the confluence of the Middle Fork and the South Fork to the point at elevation 1,595 feet above mean sea level. The segments within the Kings Canyon National Park shall be administered by the Secretary of the Interior. The remaining segments shall be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public and within one year after the enactment of this paragraph, the respective Secretaries shall take such action as is required under subsection (b) of this section. In the case of the segments of the river administered by the Secretary of the Interior, the requirements of subsection (b) shall be fulfilled through appropriate revisions to the general management plan for Kings Canyon National Park, and the boundaries, classification, and development plans for such segments need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of the river under this paragraph. For the purposes of the segments designated by this paragraph, there are

National parks, monuments, etc.

State and local governments.

Appropriation authorization.

authorized to be appropriated such sums as may be necessary, but not to exceed $250,000, to the Secretary of Agriculture for development and land acquisition.".

(b) RENUMBERING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Cache La Poudre River, the Saline Bayou, Black Creek, the Klickitat, and the White Salmon as paragraphs (57) through (61), respectively.

Conservation.
16 USC 539g.
National Forest System.

SEC. 2. SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas' natural, archaeological, and scenic resources, and to provide for appropriate fish and wildlife management of those areas, there is

101 STAT. 882

hereby established the Kings River Special Management Area (hereinafter in this Act referred to as the "special management area"). The special management area shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as "the Secretary") through the Sierra National Forest.

(b) AREA INCLUDED.—The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kings River Special Management Area", dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from time to time make minor revisions of the boundary of the special management area.

Public information.

National Forest System.

(c) ADMINISTRATION.—The Secretary shall administer the special management area in accordance with this Act and with the provisions of law generally applicable to units of the National Forest System. In the case of any conflict between the provisions of such Acts, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

Forests and forest products.

(d) MINING AND MINERAL LEASING.—Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States and from operation of the Geothermal Steam Act of 1970.

State and local governments.

(e) HUNTING AND FISHING.—The Secretary shall permit hunting and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies, regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) MANAGEMENT PLAN.—After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after the enactment of this Act. The plan shall provide for public outdoor recreation use

and enjoyment of the special management area, protect the area's natural, archeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted before enactment of this Act. The plan shall provide for the development of hiking trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

101 STAT. 883

(g) ACCESS TO PRIVATE LANDS.—If any State or privately owned land or any valid mining claim or other valid occupancy is within the special management area, or if State or private subsurface rights underlie public lands within the special management area, the Secretary shall provide the State or private owner, claimant, or occupier and their successors in interest such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the site concerned. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of the special management area, taking into account the traditional and customary means of access used prior to the enactment of this Act.

(h) SPECIFIC PROTECTIONS.—In recognition of the dispute that exists over whether a dam project should be constructed in the segment of the Main Stem of the Kings River from the point at elevation 1,595 feet above mean sea level downstream to the point at elevation 990 feet above mean sea level, Congress declares its intention at this time not to designate that segment of the Kings River as a component of the Wild and Scenic Rivers System. Notwithstanding any other provision of law, no Federal lands may be used for the construction of any dam or diversion within the boundaries of the special management area without specific authority of the Congress. In order to protect the natural, cultural, recreational, fishery, and wildlife values of the river segment referred to in this subsection, that segment shall be subject to the provisions of section 7(a) of the Act of October 2, 1968 (82 Stat. 906), in the same manner as if it were designated. Nothing in this Act shall preclude the Kings River Conservation District from conducting studies as it may deem appropriate.

Dams.

Approved November 3, 1987.

LEGISLATIVE HISTORY—H.R. 799:

HOUSE REPORTS: No. 100-49 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-185 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Apr. 21, considered and passed House.
Oct. 1, considered and passed Senate, amended.
Oct. 13, House concurred in Senate amendments.

101 STAT. 886 Public Law 100-153
100th Congress

An Act

Nov. 5, 1987
[H.R. 2937]

To make miscellaneous technical and minor amendments to laws relating to Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Indian Law Technical Amendments of 1987.

SECTION 1. This Act may be cited as the "Indian Law Technical Amendments of 1987".

25 USC 331 note.
25 USC 373.

SEC. 2. Section 2 of the Act of June 25, 1910 (36 Stat. 856), as amended, is further amended by deleting the phrase "the age of twenty-one years, or over" and inserting, in lieu thereof, the phrase "the age of eighteen years or older".

SEC. 3. (a) The Act of September 14, 1961 (75 Stat. 500) is amended by—

(1) deleting the phrase "Section 5, lots 7 and 8;" in section 1, and

(2) inserting the phrase "Section 5, lots 7 and 8;" after the phrase "Township 15 north, range 3 east:" in section 2.

(b) Subsection (e) of section 2 of the Act of October 28, 1986 (100 Stat. 3243) is hereby repealed.

25 USC 1401.

SEC. 4. Section 1 of the Act of October 19, 1973 (87 Stat. 466) is amended by—

(1) inserting "(a)" before the word "That";

(2) deleting the phrase "any interest earned thereon" and inserting, in lieu thereof, the phrase "any investment income earned thereon"; and

(3) adding the following new subsections—

"(b) Except as provided in the Act of September 22, 1961 (75 Stat. 584), amounts which the Secretary of the Interior has remaining after execution of either a plan under this Act, or another Act enacted heretofore or hereafter providing for the use or distribution of amounts awarded in satisfaction of a judgment in favor of an Indian tribe or tribes, together with any investment income earned thereon and after payment of attorney fees and litigation expenses, shall be held in trust by the Secretary for the tribe or tribes involved if the plan or Act does not otherwise provide for the use of such amounts.

Indian Tribal Judgment Funds Use or Distribution Act.
25 USC 2301.

"(c) This Act may be cited as the 'Indian Tribal Judgment Funds Use or Distribution Act'.".

SEC. 5. Paragraph (2) of section 2 of the Old Age Assistance Claims Settlement Act (98 Stat. 2317) is amended by inserting a colon after the phrase "trust property" and the following proviso—

Federal Register, publication.

"*Provided*, That, except for purposes of section 4, the term also includes the reimbursements for welfare payments identified in either the list published on April 17, 1985, at page 15290 of volume 50 of the Federal Register, as modified or amended on November 13, 1985, at page 46835 of volume 50 of the Federal Register, or the list published on March 31, 1983, at page 13698 of volume 48 of the Federal Register, as modified or amended on November 7, 1983, at page 51204 of volume 48 of the Federal Register".

101 STAT. 887

Minnesota.
25 USC 331 note.

SEC. 6. (a) Paragraph (1) of section 3 of the White Earth Reservation Land Settlement Act of 1985 (100 Stat. 61, 62) is amended to read as follows—

"(1) 'Heir' means a person who received or was entitled to receive an allotment or interest as a result of testate or intestate succession under applicable Federal or Minnesota law, or one who is determined under section 9, by the application of the inheritance laws of Minnesota in effect on March 26, 1986, to be entitled to receive compensation payable under section 8.".

(b) Subsection (b) of section 5 of the White Earth Reservation Land Settlement Act is amended to read as follows—

25 USC 331 note.

"(b) The 'proper county recording officer', as that term is used in subsection (a) of this section, shall be a county recorder, registrar of titles, or probate court in Becker, Clearwater, or Mahnomen Counties, Minnesota.".

(c) Notwithstanding any other provision of law, the Secretary of the Treasury is authorized and directed to transfer to the White Earth Economic Development and Tribal Government Fund, out of funds in the Treasury of the United States not otherwise appropriated, an amount equal to the sum of— Appropriation authorization.

(1) $55,917 for the interest that would have accrued on the settlement funds appropriated pursuant to section 15 of the White Earth Reservation Land Settlement Act of 1985 if such funds had been properly invested during the period beginning on November 17, 1986, and ending on January 12, 1987, plus

(2) an amount equal to the interest that would have accrued on $55,917 during the period beginning on January 12, 1987, and ending on the date the transfer required under this subsection is made by the Secretary of the Treasury if $55,917 had been invested as part of the White Earth Economic Development and Tribal Government Fund on January 12, 1987.

Amounts transferred to the White Earth Economic Development and Tribal Government Fund under this subsection shall be treated as interest accrued on such Fund.

SEC. 7. The Secretary of the Interior shall calculate and certify to the Secretary of the Treasury for payment out of funds in the judgments, awards, and compromise settlements account of the United States Treasury to Cook Inlet Region, Inc., pursuant to section 2 (a) and (e) of Public Law 94-204 (89 Stat. 1146), as amended by section 1411 of Public Law 96-487 (94 Stat. 2497) and section 22 of Public Law 99-396 (100 Stat. 846), a final determination of interest on funds withheld from revenues owed to Cook Inlet Region, Inc. under section 14(g) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1613(g), and paid to the Treasury as windfall profits taxes on oil production from the Swanson River and Beaver Creek units in Alaska of which Cook Inlet Region, Inc. may be regarded as a producer under 26 U.S.C. 4996(a)(1), as though such funds had been withheld before conveyance to Cook Inlet Region, Inc. of interests in leases within those units. Such interest shall be calculated and paid for the period from the dates on which such funds otherwise would have been paid to Cook Inlet Region, Inc. to the date of refund of the principal amounts withheld. Alaska.

SEC. 8. Section 1514 of the Higher Education Amendments of 1986 (20 U.S.C. 4421) is amended— 101 STAT. 888

(1) by striking out "During the 2-year period beginning on the date referred to in subsection (f) of this section" in subsection (d) and inserting in lieu thereof "Unless the Board provides otherwise",

(2) by inserting ", until October 1, 1989," after "Secretary of the Interior shall" in subsection (d), and

(3) by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"(e)(1) The transfers required under subsection (b) shall be completed by no later than June 1, 1988.

"(2) The Institute shall be under the direction and control of the Secretary of the Interior until the earlier of—

"(A) June 1, 1988, or

"(B) a date agreed to by the Board and the Secretary of the Interior.

"(f)(1) Before the later of October 15, 1987, or the date that is 10 days after the date of enactment of the Indian Law Technical Amendments of 1987, the Secretary of the Interior shall enter into a contract with the University of New Mexico, the terms of which shall— New Mexico. Contracts. Schools and colleges.

"(A) include all administrative systems which are customary to the operation of a national art institute,

"(B) require the provision by the University of New Mexico of technical assistance to the Institute, including the monitoring of the transfers that are required to be made under subsection (b),

"(C) provide for the establishment by the University of New Mexico of an advisory council that makes recommendations to the University of New Mexico with respect to the operation of the contract,

"(D) allow the University of New Mexico to fulfill its obligations under the contract through subcontracts that are entered into in accordance with section 7 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e),

"(E) provide for the expiration of the contract on the date that is 6 months after the date the contract is entered into, but the Board and the University of New Mexico may mutually agree to extend the contract for an additional 2-month period,

"(F) provide that any materials furnished to the Secretary of the Interior by the University of New Mexico, or any subcontractor of the University of New Mexico, under the contract shall become the property of the Institute, and

"(G) include such other terms as the Secretary of the Interior determines to be necessary.

"(2) The advisory council that is required to be established under the contract entered into under paragraph (1) shall be composed of—

"(A) a delegate of the executive director of the National Congress of American Indians,

"(B) a delegate of the president of the American Indian Higher Education Consortium, and

"(C) at least 5 individuals possessing knowledge and experience in Indian arts and culture and in postsecondary education, a majority of whom shall be Indians.".

SEC. 9. Subsection (e) of section 3 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 675) is amended—

101 STAT. 889

(1) by striking "Payments" in paragraph (4)(B) and inserting in lieu thereof "Except as otherwise provided in paragraph (5), payments",

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and

(3) by inserting after paragraph (4) the following new paragraph:

"(5)(A) The Tribal Council may accelerate the payment of the aggregate sum of $3,000 to those members of the tribe certified under paragraph (3) who—

Health and medical care.

"(i) are certified by a physician to be—

"(I) terminally ill, or

"(II) at least 50 percent permanently disabled, or

"(ii) are at least 60 years of age.

"(B) Notwithstanding any other provision of this Act, the Tribal Council may use interest accrued on the Investment Fund for the purpose of making accelerated payments under subparagraph (A).".

Washington. Contracts. Grants.

SEC. 10. The Frank's Landing Indian Community in the State of Washington is hereby recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as eligible to contract, and to receive grants, under the Indian Self-Determination and Education Assistance Act for such services, but the proviso in section

4(c) of such Act (25 U.S.C. 450b(c)) shall not apply with respect to grants awarded to, and contracts entered into with, such Community.

Approved November 5, 1987.

LEGISLATIVE HISTORY—H.R. 2937:

HOUSE REPORTS: No. 100-250 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-186 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Aug. 3, considered and passed House.
Oct. 1, considered and passed Senate, amended.
Oct. 22, House concurred in Senate amendments.

Public Law 100-192
100th Congress

An Act

To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail.

Dec. 16, 1987
[S. 578]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

"(16)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

"(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky, Fort Smith, Arkansas, Trail of Tears State Park, Missouri, and Tahlequah, Oklahoma.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by striking "through (13) and (15)" and inserting ", (10), (11), (12), (13), (15), and (16)".

Approved December 16, 1987.

LEGISLATIVE HISTORY—S. 578:

HOUSE REPORTS: No. 100-461 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-175 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Oct. 1, considered and passed Senate.
Dec. 1, considered and passed House, amended.
Dec. 3, Senate concurred in House amendments.

101 STAT. 1328 Public Law 100-201
100th Congress

An Act

Dec. 22, 1987
[H.R. 2325]

To authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas.

16 USC 157d.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundaries of Big Bend National Park, established by the Act of June 20, 1935 (16 U.S.C. 156), are hereby revised to include the lands and interests therein, together with all improvements thereon, within the area comprising approximately sixty-seven thousand one hundred and twenty-five acres as generally depicted on the map entitled "Harte Ranch Addition, Big Bend National Park", numbered 155/80,044 and dated September 1987. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to acquire lands and interests therein, together with all improvements thereon, within the addition described in such map by donation, purchase with donated or appropriated funds, or exchange.

Public information.

Approved December 22, 1987.

LEGISLATIVE HISTORY—H.R. 2325:

HOUSE REPORTS: No. 100-341 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-249 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Oct. 5, considered and passed House.
Dec. 11, considered and passed Senate.

101 STAT. 1433 Public Law 100-205
100th Congress

An Act

Dec. 23, 1987
[H.R. 1994]

To amend the boundaries of Stones River National Battlefield, Tennessee, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 426n.

SECTION 1. STONES RIVER NATIONAL BATTLEFIELD.

16 USC 426.

(a) EXPANSION OF STONES RIVER NATIONAL BATTLEFIELD.—In furtherance of the Act of March 3, 1927 (44 Stat. 1399), as amended, the boundary of Stones River National Battlefield (hereinafter referred to as "battlefield") is hereby revised to include the lands generally depicted on the map entitled "Boundary Map, Stones River National Battlefield" numbered 327/80,001, and dated March 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and in the office of the Superintendent of the Stones River National Battlefield.

Public information.

(b) ACQUISITION OF LANDS.—The Secretary of the Interior (hereinafter referred to as "Secretary") is hereby authorized to acquire lands or interests therein within the boundary of the battlefield by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Tennessee or any political subdivision thereof may be acquired only

by donation. Lands and interests therein acquired pursuant to this Act shall become part of the battlefield, subject to all the laws and regulations applicable thereto.

SEC. 2. AGREEMENT. 16 USC 426o.

The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, under which (1) the Secretary shall acquire sufficient interest in land and shall construct thereon a trail linking the battlefield with Fortress Rosecrans, (2) the city shall operate and maintain the trail in accordance with standards approved by the Secretary, and (3) the Secretary shall preserve the existing remnants of Fortress Rosecrans and the city shall operate and maintain the fortress.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS. 16 USC 426p.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved December 23, 1987.

LEGISLATIVE HISTORY—H.R. 1994 (S. 963):

HOUSE REPORTS: No. 100-187 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-243 accompanying S. 963 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
June 29, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 100-206 101 STAT. 1434
100th Congress

An Act

To establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes. Dec. 23, 1987 [H.R. 2416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF JIMMY CARTER NATIONAL HISTORIC SITE. 16 USC 161 note.

(a) ESTABLISHMENT.—In order to provide for the benefit, inspiration, and education of the American people, there is hereby established the Jimmy Carter National Historic Site in the State of Georgia. In administering the historic site, the Secretary shall—

(1) preserve the key sites and structures located within the historic site associated with Jimmy Carter during his lifespan;

(2) provide for the interpretation of the life and Presidency of Jimmy Carter; and

(3) present the history of a small rural southern town.

(b) DESCRIPTION OF JIMMY CARTER NATIONAL HISTORIC SITE.—(1) The historic site shall consist of the lands and interests in lands (including the real property described in paragraph (2)) as generally depicted on the map entitled "Jimmy Carter National Historic Site and Preservation District Boundary Map", numbered NHS-JC-80000, and dated April 1987. The map shall be on file and available for public inspection at appropriate offices of the National Park Service. Public information.

(2) The real property referred to in paragraph (1) is that real property which has significant historical association with the life of James Earl Carter, Jr., 39th President of the United States, located in the town of Plains and the County of Sumter, Georgia, and described more particularly as follows—

(A) the home of former President Carter on Woodland Drive in Plains, Georgia, including the residence and approximately 2.9 acres across Woodland Drive;

(B) the Plains Railroad Depot, adjacent to the Seaboard Coast Line Railroad, which served as the campaign headquarters of former President Carter;

(C) the boyhood home of former President Carter, consisting of the residence, together with not more than 15 acres, located west of Plains near the community of Archery, Georgia;

(D) the 100-foot wide scenic easements on either side of Old Plains Highway from the intersection of U.S. Highway 280 to the boyhood home referred to in subparagraph (C);

(E) the Plains High School and grounds of approximately 12 acres; and

(F) the Gnann House at 1 Woodland Drive, which is adjacent to the residence referred to in subparagraph (A) of former President Carter.

(c) ACQUISITION OF REAL AND PERSONAL PROPERTY.—(1) Except as
101 STAT. 1435 otherwise provided in this subsection and subject to such terms, reservations, and conditions as the Secretary determines reasonable or necessary, the Secretary may acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise—

(A) lands and interests in lands within the boundaries of the historic site; and

(B) personal property and artifacts for purposes of the historic site.

(2) The Carter home (described in subsection (b)(2)(A)), the Plains Railroad Depot (described in subsection (b)(2)(B)), and the Plains High School (referred to in subsection (b)(2)(E)) may only be acquired by donation.

(3) Former President and Mrs. Carter may, as a condition of the acquisition of the Carter home (described in subsection (b)(2)(A)), reserve for themselves a right of use and occupancy of the home for a term of years or for a term ending at the deaths of President and Mrs. Carter.

(4) The Administrator of the General Services Administration shall acquire by purchase the Gnann House (described in subsection (b)(2)(F)) to be used for security purposes during the lives of former President and Mrs. Carter, or for such period as they may be entitled to security pursuant to Federal law, after which time the Gnann House shall be transferred to the Secretary of the Interior for administrative purposes by the National Park Service.

16 USC 461 note. SEC. 2. JIMMY CARTER NATIONAL PRESERVATION DISTRICT.

(a) JIMMY CARTER NATIONAL PRESERVATION DISTRICT.—In order to preserve and interpret the life of James Earl Carter, Jr. and the rural southern town of Plains, Georgia, including the 20th century south and the roles of agriculture and the agricultural economy there is hereby established the Jimmy Carter National Preservation District, which shall consist of the area identified on the map referred to in section 1(b)(1) as "Preservation District". The preservation district shall include the Plains Historic District as listed in the National Register of Historic Places on June 28, 1984, and those agricultural lands not to exceed 650 acres and that portion of Bond Street as depicted on such map.

(b) PRESERVATION EASEMENTS.—(1) The Secretary may obtain by donation or purchase preservation easements on historically or culturally significant (as determined by the Secretary) buildings and open spaces located within the preservation district. Each preservation easement shall contain (but need not be limited to) provisions that the Secretary shall have the right of access at reasonable times to the portions of the property covered by that easement for interpretive or other purposes, and that no changes or alterations shall be made to such portions of the property except by mutual agreement.

(2) The Secretary may mark, interpret, and provide technical assistance to properties within the preservation district in accord-

ance with the Secretary of the Interior's Standards for Historic Preservation Projects.

SEC. 3. ADMINISTRATION OF HISTORIC SITE AND PRESERVATION DISTRICT. 16 USC 461 note.

(a) IN GENERAL.—The Secretary shall administer the historic site and the preservation district in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.). 101 STAT. 1436

(b) COOPERATION WITH STATE OF GEORGIA.—The Secretary may enter into a cooperative agreement with the State of Georgia pursuant to which the Secretary may cooperate in the operation and use of the State of Georgia Visitor Center in Sumter County. Contracts.

(c) HISTORY.—The Secretary shall gather oral history on the historic site, its occupants, and environs. The Secretary may also preserve personal property that has been acquired by the Secretary for purposes of the historic site.

(d) REPORT.—25 years after the date of enactment of this Act, the Secretary shall convene a distinguished group of nationally recognized historians, scholars, and other experts to examine the life of President Carter in greater historical perspective. The group shall examine the research then available on President Carter, his life and Presidency, and make recommendations on interpretation, preservation, and other issues (as appropriate) at the Jimmy Carter National Historic Site and the Jimmy Carter National Preservation District.

SEC. 4. ADVISORY COMMISSION. 16 USC 461 note.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory commission to provide advice on achieving balanced and accurate interpretation of the historic site.

(b) MEMBERSHIP.—(1) The commission shall consist of a group of five nationally recognized scholars with collective expertise on the life and Presidency of Jimmy Carter, the 20th century rural south, historic preservation, and the American Presidency.

(2) The commission members shall be appointed by the Secretary for staggered terms of 3 years each. Any vacancy on the commission shall be filled in the same manner in which the original appointment was made. Any member of the Commission appointed for a definite term may serve after the expiration of such term until a successor is appointed.

(3) Meetings of the Commission shall be called twice annually by the Secretary.

(c) EXPENSES.—The Secretary is authorized to pay, in accordance with section 5703 of title 5, United States Code, the expenses reasonably incurred by the members of the Commission in carrying out their responsibilities under this Act.

SEC. 5. MANAGEMENT PLAN. 16 USC 461 note.

Not later than 3 years after the date of enactment of this Act, the Secretary shall develop and submit to the Congress a general management plan for the use and development of the historic site and the preservation district. Such plan shall—

(1) be prepared in accordance with section 12(b) of the Act entitled "An Act to improve the administration of the national park system by the Secretary, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-1 et seq.), and shall be consistent with the purposes of this Act;

101 STAT. 1437

(2) include consideration of the economic feasibility and interpretive necessity of providing a transportation system for visitor use; and

(3) address the preservation and interpretation of Plains High School (referred to in section 1(b)(2)(E)) including appropriate use by the town of Plains.

Contracts.

Following a determination of the appropriate uses of the Plains High School for the town of Plains, the Secretary may enter into a cooperative agreement with the town concerning its use of the high school.

16 USC 461 note.

SEC. 6. DEFINITIONS.

For the purposes of this Act—

(1) the term "preservation district" means the Jimmy Carter National Preservation District established under section 2;

(2) the term "historic site" means the Jimmy Carter National Historic Site established under section 1; and

(3) the term "Secretary" means the Secretary of the Interior.

16 USC 461 note.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this Act, except that not more than $3,500,000 is authorized to be appropriated for acquisition of real and personal property (including preservation easements) and development of the preservation district and the historic site.

(b) COST SHARING.—Not more than 60 percent of the aggregate cost of restoring the Plains High School (referred to in section 1(b)(2)(E)) may be provided from appropriated Federal funds. The remaining 40 percent, non-Federal share of such cost may be in the form of cash, goods, or services, fairly valued.

Approved December 23, 1987.

LEGISLATIVE HISTORY—H.R. 2416:

HOUSE REPORTS: No. 100-342 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-250 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Oct. 5, considered and passed House.
Dec. 11, considered and passed Senate.

101 STAT. 1442

Public Law 100-211
100th Congress

An Act

Dec. 24, 1987
[H.R. 2121]

To authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE FOR HIGHWAY RELOCATION.

Safety.
Grants.

(a) ASSISTANCE FROM DEPARTMENT OF THE INTERIOR.—For purposes of reducing damage to natural and historic resources from highway traffic within the Chickamauga and Chattanooga National Military Park and for purposes of improving highway safety within the park, the Secretary of the Interior shall provide a grant to the State of Georgia to assist the State in relocating a 3.7 mile section of Highway 27 which passes through the park. The assistance shall be provided upon application of the State if the Secretary of the

Interior, acting through the Director of the National Park Service, approves the design and siting of the highway at a location generally outside the western boundary of the park.

(b) FEDERAL SHARE.—The assistance provided by the Secretary of the Interior under subsection (a) shall not exceed 75 percent of the total costs of relocating the 3.7 mile section of highway referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $30,000,000 for assistance under subsection (a). Such funds shall remain available until expended.

Approved December 24, 1987.

LEGISLATIVE HISTORY—H.R. 2121:

HOUSE REPORTS: No. 100-225 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-248 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 21, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 100-225
100th Congress

101 STAT. 1539

An Act

To establish the El Malpais National Monument and the El Malpais National Conservation Area in the State of New Mexico, to authorize the Masau Trail, and for other purposes.

Dec. 31, 1987
[H.R. 403]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EL MALPAIS NATIONAL MONUMENT

ESTABLISHMENT OF MONUMENT

SEC. 101. (a) In order to preserve, for the benefit and enjoyment of present and future generations, that area in western New Mexico containing the nationally significant Grants Lava Flow, the Las Ventanas Chacoan Archeological Site, and other significant natural and cultural resources, there is hereby established the El Malpais National Monument (hereinafter referred to as the "monument"). The monument shall consist of approximately 114,000 acres as generally depicted on the map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

16 USC 460uu

Public information.

(b) As soon as practicable after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall file a legal description of the monument with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Public information.

TRANSFER

National Forest System
16 USC 460uu-1

SEC. 102. Lands and waters and interests therein within the boundaries of the monument, which as of the day prior to the date of enactment of this Act were administered by the Forest Service, United States Department of Agriculture, are hereby transferred to the administrative jurisdiction of the Secretary to be managed as part of the monument in accordance with this Act. The boundaries of the Cibola National Forest shall be adjusted accordingly.

MANAGEMENT

16 USC 460uu-2.
101 STAT. 1540

SEC. 103. The Secretary, acting through the Director of the National Park Service, shall manage the monument in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and other provisions of law applicable to units of the National Park System. The Secretary shall protect, manage, and administer the monument for the purposes of preserving the scenery and the natural, historic, and cultural resources of the monument and providing for the public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations.

PERMITS

Animals.
Contracts.
16 USC 460uu-3.

SEC. 104. Where any lands included within the boundary of the monument on the map referred to in subsection 101(a) are legally occupied or utilized on the date of enactment of this Act for grazing purposes, pursuant to a lease, permit, or license which is—

(a) for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, and

(b) scheduled for termination before December 31, 1997,

the Secretary, notwithstanding any other provision of law, shall allow the persons holding such grazing privileges (or their heirs) to retain such grazing privileges until December 31, 1997, subject to such limitations, conditions, or regulations as the Secretary may prescribe to insure proper range management. No grazing shall be permitted on lands within the boundaries of the monument on or after January 1, 1998.

State and local governments.
Indians.

TITLE II—MASAU TRAIL

DESIGNATION OF TRAIL

Arizona.
Federal Register, publication.
16 USC 460uu-11.

SEC. 201. In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally significant sites of antiquity in New Mexico and eastern Arizona which are accessible by public road, the Secretary, acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a description thereof in the Federal Register, a vehicular tour route along existing public roads linking prehistoric and historic cultural sites in New Mexico and eastern Arizona. Such a route shall be known as the Masau Trail (hereinafter referred to as the "trail").

AREAS INCLUDED

16 USC 460uu-12.

SEC. 202. The trail shall include public roads linking El Malpais National Monument as established pursuant to title I of this Act, El Morro National Monument, Chaco Cultural National Historical Park, Aztec Ruins National Monument, Canyon De Chelly National Monument, Pecos National Monument, and Gila Cliff Dwellings National Monument. The Secretary may, in the manner set forth in section 201, designate additional segments of the trail from time to time as appropriate to link the foregoing sites with other cultural sites or sites of national significance when such sites are designated and protected by Federal, State, or local governments, Indian tribes, or nonprofit entities.

INFORMATION AND INTERPRETATION

101 STAT. 1541

SEC. 203. With respect to sites linked by segments of the trail which are administered by other Federal, State, local, tribal, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities, provide technical assistance in the development of interpretive devices and materials in order to contribute to public appreciation of the natural and cultural resources of the sites along the trail. The Secretary, in cooperation with State and local governments, Indian tribes, and nonprofit entities, shall prepare and distribute informational material for the public appreciation of sites along the trail. 16 USC 460uu-13.

MARKERS

SEC. 204. The trail shall be marked with appropriate markers to guide the public. With the concurrence and assistance of the State or local entity having jurisdiction over the roads designated as part of the trail, the Secretary may erect thereon and maintain signs and other informational devices displaying the Masau Trail Marker. The Secretary is authorized to accept the donation of suitable signs and other informational devices for placement at appropriate locations. 16 USC 460uu-14.

TITLE III—EL MALPAIS NATIONAL CONSERVATION AREA

ESTABLISHMENT OF AREA

SEC. 301. (a) In order to protect for the benefit and enjoyment of future generations that area in western New Mexico containing the La Ventana Natural Arch and the other unique and nationally important geological, archeological, ecological, cultural, scenic, scientific, and wilderness resources of the public lands surrounding the Grants Lava Flows, there is hereby established the El Malpais National Conservation Area (hereinafter referred to as the "conservation area"). The conservation area shall consist of approximately 262,690 acres of federally owned land as generally depicted on a map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management of the Department of the Interior. 16 USC 460uu-21. Public information.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the conservation area designated under this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior. Public information.

MANAGEMENT

SEC. 302. (a) The Secretary, acting through the Director of the Bureau of Land Management, shall manage the conservation area to protect the resources specified in section 301 and in accordance with this Act, the Federal Land Management and Policy Act of 1976 and other applicable provisions of law, including those provisions relating to grazing on public lands. Animals. 16 USC 460uu-22.

101 STAT. 1542

(b) The Secretary shall permit hunting and trapping within the conservation area in accordance with applicable laws and regulations of the United States and the State of New Mexico; except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be

permitted for reasons of public safety, administration, or public use and enjoyment.

Forests and forest products.

(c) Collection of green or dead wood for sale or other commercial purposes shall not be permitted in the conservation area.

(d) Except as otherwise provided in section 402(b), within the conservation area the grazing of livestock shall be permitted to continue, pursuant to applicable Federal law, including this Act, and subject to such reasonable regulations, policies, and practices as the Secretary deems necessary.

TITLE IV—WILDERNESS

DESIGNATION OF WILDERNESS

National Wilderness Preservation System.

16 USC 460uu-31.

16 USC 1132 note.

SEC. 401. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 131), there are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System, the Cebolla Wilderness of approximately 60,000 acres, and the West Malpais Wilderness of approximately 38,210 acres, as each is generally depicted on the map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

Public information.

(b) As soon as practicable after the date of the enactment of this Act, the Secretary shall file a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

Public information.

MANAGEMENT

16 USC 460uu-32.

SEC. 402. (a) Subject to valid existing rights, each wilderness area designated under this Act shall be administered by the Secretary, through the Director of the Bureau of Land Management, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

Animals.

(b) Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 1133 note).

101 STAT. 1543

TITLE V—GENERAL PROVISIONS

MANAGEMENT PLANS

National Wilderness Preservation System.
16 USC 460uu-41.

SEC. 501. (a) Within three full fiscal years following the fiscal year of enactment of this Act, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, separate general management plans for the monument and the conservation area which shall describe the appropriate uses and development of the monu-

ment and the conservation area consistent with the purposes of this Act. The plans shall include but not be limited to each of the following:

(1) implementation plans for a continuing program of interpretation and public education about the resources and values of the monument and the conservation area;

(2) proposals for public facilities to be developed for the conservation area or the monument, including a visitors center in the vicinity of Bandera Crater and a multiagency orientation center, to be located in or near Grants, New Mexico, and adjacent to Interstate 40, to accommodate visitors to western New Mexico;

(3) natural and cultural resources management plans for the monument and the conservation area, with a particular emphasis on the preservation and long-term scientific use of archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 and the National Historic Preservation Act within the monument and the conservation area. The natural and cultural resources management plans shall be prepared in close consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Office, and the local Indian people and their traditional cultural and religious authorities; and such plans shall provide for long-term scientific use of archaeological resources in the monument and the conservation area, including the wilderness areas designated by this Act; and Indians.

(4) wildlife resources management plans for the monument and the conservation area prepared in close consultation with appropriate departments of the State of New Mexico and using previous studies of the area. Wildlife.

(b)(1) The general management plan for the conservation area shall review and recommend the suitability or nonsuitability for preservation as wilderness of those lands comprising approximately 17,468 acres, identified as "Wilderness Study Area" (hereafter in this title referred to as the "WSA") on the map referenced in section 101.

(2) Pending submission of a recommendation and until otherwise directed by an Act of Congress, the Secretary, acting through the Director of the Bureau of Land Management, shall manage the lands within the WSA so as to maintain their potential for inclusion within the National Wilderness Preservation System. 101 STAT. 1544

(c)(1) The general management plan for the monument shall review and recommend the suitability or nonsuitability for preservation as wilderness of all roadless lands within the boundaries of the monument as established by this Act except those lands within the areas identified as "potential development areas" on the map referenced in section 101.

(2) Pending the submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, through the Director of the National Park Service, shall manage all roadless lands within the boundaries of the monument so as to maintain their potential for inclusion in the National Wilderness Preservation System, except those lands within the areas identified as "potential development areas" on the map referenced in section 101.

ACQUISITIONS

SEC. 502. Within the monument and the conservation area, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that such lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired only by exchange. It is the

Public lands. Gifts and property. 16 USC 460uu-42.

sense of Congress that the Secretary is to complete the acquisition of non-Federal subsurface interests underlying the monument and the conservation area no later than three full fiscal years after the fiscal year of enactment of this Act.

STATE EXCHANGES

Public lands. Gifts and property. 16 USC 460uu-43.

SEC. 503. (a) Upon the request of the State of New Mexico (hereinafter referred to as the "State") and pursuant to the provisions of this section, the Secretary shall exchange public lands or interests in lands elsewhere in the State of New Mexico, of approximately equal value and selected by the State, acting through its Commissioner of Public Lands, for any lands or interests therein owned by the State (hereinafter referred to as "State lands") located within the boundaries of the monument or the conservation area which the State wishes to exchange with the United States.

(b) Within six months after the date of enactment of this Act, the Secretary shall notify the New Mexico Commissioner of Public Lands what State lands are within the monument or the conservation area. The notice shall contain a listing of all public lands or interest therein within the boundaries of the State of New Mexico which have not been withdrawn from entry and which the Secretary, pursuant to the provisions of sections 202 and 206 of the Federal Land Policy and Management Act of 1976, has identified as appropriate for transfer to the State in exchange for State lands. Such listing shall be updated at least annually. If the New Mexico Commissioner of Public Lands gives notice to the Secretary of the State's desire to obtain public lands so listed, the Secretary shall notify the Commissioner in writing as to whether the Department of the Interior considers the State lands within the monument or conservation area to be of approximately equal value to the listed lands or interests in lands the Commissioner has indicated the State desires to obtain. It is the sense of the Congress that the exchange of lands and interests therein with the State pursuant to this section should be completed within two years after the date of enactment of this Act.

101 STAT. 1545

MINERAL EXCHANGES

16 USC 460uu-44.

SEC. 504. (a) The Secretary is authorized and directed to exchange the Federal mineral interests in the lands described in subsection (b) for the private mineral interests in the lands described in subsection (c), if—

(1) the owner of such private mineral interests has made available to the Secretary all information requested by the Secretary as to the respective values of the private and Federal mineral interests to be exchanged; and

(2) on the basis of information obtained pursuant to paragraph (1) and any other information available, the Secretary has determined that the mineral interests to be exchanged are of approximately equal value; and

(3) the Secretary has determined—

(A) that except insofar as otherwise provided in this section, the exchange is not inconsistent with the Federal Land Policy and Management Act of 1976; and

(B) that the exchange is in the public interest.

(b) The Federal mineral interests to be exchanged under this section underlie the lands, comprising approximately 15,008 acres, depicted as "Proposed for transfer to Santa Fe Pacific" on the map referenced in subsection (d).

(c) The private mineral interests to be exchanged pursuant to this section underlie the lands, comprising approximately 15,141 acres, depicted as "Proposed for transfer to U.S." on the map referenced in subsection (d).

(d)(1) The mineral interests identified in this section underlie those lands depicted as "Proposed for transfer to Santa Fe Pacific" and as "Proposed for transfer to U.S." on a map entitled "El Malpais Leg. Boundary, HR3684/S56", revised 5-8-87.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the mineral interest areas designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

Public information.

(e) It is the sense of the Congress that all exchanges pursuant to this section shall be completed no later than three years after the date of enactment of this Act.

ACOMA PUEBLO EXCHANGES

SEC. 505. (a)(1) Upon the request of the Pueblo of Acoma, the Secretary shall acquire by exchange any lands held in trust for the Pueblo of Acoma (hereinafter referred to as "trust lands") located within the boundary of the conservation area which the Pueblo wishes to exchange pursuant to this section. Such trust lands shall be exchanged either for—

Indians.
Public lands.
16 USC 460uu-45.

101 STAT. 1546

(A) lands described in subsection (c) (with respect to trust lands west of New Mexico Highway 117); or

(B) public lands of approximately equal value located outside the monument and outside the conservation area but within the boundaries of the State of New Mexico which are selected by the Pueblo of Acoma, so long as such exchange is consistent with applicable law and Bureau of Land Management resource management plans developed pursuant to the Federal Land Policy and Management Act of 1976.

(2) All lands selected by and transferred to the Pueblo of Acoma at its request pursuant to this section shall thereafter be held in trust by the Secretary for the Pueblo of Acoma in the same manner as the lands for which they were exchanged.

(3) Any lands west of New Mexico Highway 117 which are acquired by the Secretary pursuant to this section shall be incorporated into the monument and managed accordingly, and section 104 and all other provisions of this Act and other law applicable to lands designated by this Act as part of the monument shall apply to such incorporated lands.

(b) For purposes of acquiring lands pursuant to subsection (a) of this section, the Secretary, consistent with applicable law and Bureau of Land Management resource management plans described in subsection (a), shall make public lands within the boundaries of the State of New Mexico available for exchange. Nothing in this Act shall be construed as authorizing or requiring revocation of any existing withdrawal or classification of public land except in a manner consistent with applicable law.

(c)(1) The Secretary shall make the lands within the areas identified as "Acoma Potential Exchange Areas" on the map referenced in section 301 available for transfer to the Pueblo of Acoma pursuant to this subsection.

(2) Upon a request of the Pueblo of Acoma submitted to the Secretary no later than one year after the date of enactment of this Act, lands within the areas described in paragraph (1) shall be transferred to the Pueblo of Acoma in exchange for trust lands of approximately equal value within that portion of the conservation area west of New Mexico Highway 117. The Secretary may require exchanges of land under this subsection to be on the basis of compact and contiguous parcels.

(3) Any lands within the areas described in paragraph (1) not proposed for exchange by a request submitted to the Secretary by the Pueblo of Acoma within the period specified in paragraph (2), and any lands in such areas not ultimately transferred pursuant to this subsection, shall be incorporated within the conservation area and managed accordingly. In addition, any lands in that portion of the areas described in paragraph (1) lying in section 1, township 7N, range 9W, New Mexico Principal Meridian, not transferred to the Pueblo of Acoma pursuant to this subsection shall be added to and incorporated within the Cebolla Wilderness and managed accordingly.

Public lands.
16 USC 460uu-46.

EXCHANGES AND ACQUISITIONS GENERALLY; WITHDRAWAL

SEC. 506. (a) All exchanges pursuant to this Act shall be made in a
101 STAT. 1547 manner consistent with applicable provisions of law, including this Act, and unless otherwise specified in this Act shall be on the basis of equal value; either party to an exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

(b) For purposes of this Act, the term "public lands" shall have the same meaning as such term has when used in the Federal Land Policy and Management Act of 1976.

(c) Except as otherwise provided in section 505, any lands or interests therein within the boundaries of the monument or conservation area which after the date of enactment of this Act may be acquired by the United States shall be incorporated into the monument or conservation area, as the case may be, and managed accordingly, and all provisions of this Act and other laws applicable to the monument or the conservation area, as the case may be, shall apply to such incorporated lands.

Indians.

(d)(1) Except as otherwise provided in this Act, no federally-owned lands located within the boundaries of the monument or the conservation area shall be transferred out of Federal ownership, or be placed in trust for any Indian tribe or group, by exchange or otherwise.

Minerals and mining.

(2) Except as otherwise provided in this Act, and subject to valid existing rights, all Federal lands within the monument and the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

(e) The acreages cited in this Act are approximate, and in the event of discrepancies between cited acreages and the lands depicted on referenced maps, the maps shall control.

(f) The Secretary is authorized to accept any lands contiguous to the boundaries of the Pecos National Monument (as such boundaries were established on the date of enactment of this Act) which may be proposed for donation to the United States. If acceptance of such lands proposed for donation would be in furtherance of the purposes for which the Pecos National Monument was established, the Secretary shall accept such lands, and upon such acceptance such lands shall be incorporated into such monument and managed accordingly.

16 USC 431 note.

(g)(1) Capulin Mountain National Monument is hereby redesignated as Capulin Volcano National Monument.

(2) Any reference in any record, map, or other document of the United States of America to Capulin Mountain National Monument shall hereafter be deemed to be a reference to Capulin Volcano National Monument.

(3) Section 1 of the Act of September 5, 1962 (76 Stat. 436) is hereby amended by striking the remaining portion of section 1 after "boundaries of the monument" and inserting "shall include the lands and interests in lands as generally depicted on the map entitled 'Capulin Volcano National Monument Boundary Map' which is numbered 125–80,014 and dated January 1987.".

(4) Jurisdiction over federally-owned lands within the revised boundaries of the monument is hereby transferred to the National Park Service, without monetary consideration, for administration as part of the monument.

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ACCESS

Indians.
Religion.
16 USC 460uu–47.

SEC. 507. (a) In recognition of the past use of portions of the monument and the conservation area by Indian people for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access to the monument and the conservation area by Indian people for traditional cultural and religious purposes, including the harvesting of pine nuts. Such access shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996), and (with respect to areas designated as wilderness) the Wilderness Act (78 Stat. 890; 16 U.S.C. 131).

(b) In preparing the plans for the monument and the conservation area pursuant to section 501, the Secretary shall request that the Governor of the Pueblo of Acoma and the chief executive officers of other appropriate Indian tribes make recommendations on methods of—

(1) assuring access pursuant to subsection (a) of this section;

(2) enhancing the privacy of traditional cultural and religious activities in the monument and the conservation area; and

(3) protecting traditional cultural and religious sites in the monument and the conservation area.

(c) In order to implement this section and in furtherance of the American Indian Religious Freedom Act, the Secretary, upon the request of an appropriate Indian tribe, may from time to time temporarily close to general public use one or more specific portions of the monument or the conservation area in order to protect the privacy of religious activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Not later than seven days after the initiation of any such closure, the Secretary shall provide written notification of such action to the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives.

(d) The Secretary is authorized to establish an advisory committee to advise the Secretary concerning the implementation of this section. Any such advisory committee shall include representatives of the Pueblo of Acoma, the Pueblo of Zuni, other appropriate Indian tribes and other persons or groups interested in the implementation of this section.

COOPERATION

Indians.
State and local governments.
Arizona.
16 USC 460uu–48.

SEC. 508. In order to encourage unified and cost effective interpretation of prehistoric and historic civilizations in western New Mexico, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of prehistoric and historic civilizations in New Mexico and eastern Arizona. The Secretary may, pursuant to such agreements, cooperate in the development and operation of a multiagency orientation center and programs on lands and interests in lands inside and outside of the boundaries of the monument and the conservation area generally, with the concurrence of the owner or administrator thereof, and specifically

101 STAT. 1549

in or near Grants, New Mexico, adjacent to Interstate 40 in accordance with the plan required pursuant to section 501.

WATER RIGHTS

16 USC 460uu-49.

SEC. 509. (a) Congress expressly reserves to the United States the minimum amount of water required to carry out the purposes for which the national monument, the conservation area, and the wilderness areas are designated under this Act. The priority date of such reserved rights shall be the date of enactment of this Act.

(b) Nothing in this section shall affect any existing valid or vested water right, or applications for water rights which are pending as of the date of enactment of this Act and which are subsequently granted: *Provided*, That nothing in this subsection shall be construed to require the National Park Service to allow the drilling of ground water wells within the boundaries of the national monument.

(c) Nothing in this section shall be construed as establishing a precedent with regard to any future designations, nor shall it affect the interpretation of any other Act or any designation made pursuant thereto.

AUTHORIZATION

16 USC 460uu-50.

SEC. 510. There is authorized to be appropriated $16,500,000 for the purposes of this Act, of which $10,000,000 shall be available for land acquisition in the national monument; $1 million shall be available for development within the national monument; $4 million shall be available for land acquisition within the conservation area; $1 million shall be available for development within the conservation area; and $500,000 shall be available for planning and development of the Masau Trail.

Approved December 31, 1987.

LEGISLATIVE HISTORY—H.R. 403:

HOUSE REPORTS: No. 100-116 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-100 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
June 1, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendment.

101 STAT. 1550

Public Law 100-226
100th Congress

An Act

Dec. 31, 1987
[H.R. 2583]

To authorize additional appropriations for the San Francisco Bay National Wildlife Refuge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399), is amended to read as follows:

"SEC. 5. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on October 1, 1987.

SEC. 3. QUILLAYUTE NEEDLES AND FLATTERY ROCKS NATIONAL WILDLIFE REFUGES.

16 USC 668dd note

(a) Notwithstanding any other provision of Public Law 99-635, land and waters in the Quillayute Needles National Wildlife Refuge and Flattery Rocks National Wildlife Refuge established as preserves for native birds and animals by Executive orders dated October 23, 1907, as amended, which are within the boundaries of Olympic National Park, shall be administered by the United States Fish and Wildlife Service for refuge purposes under laws and regulations applicable to the national wildlife refuge system, including administration in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee). Nothing in this Act shall affect, amend or modify the application of the provisions of the Wilderness Act (16 U.S.C. 1131-1139) to the Quillayute Needles National Wildlife Refuge or Flattery Rocks National Wildlife Refuge.

Law enforcement and crime

(b) Within ninety days of the enactment of this Act, the United States Fish and Wildlife Service shall, by memorandum of understanding or other means, seek law enforcement assistance from the National Park Service for purposes of enhancing the protection of the ecological resources of the Quillayute Needles and Flattery Rocks National Wildlife Refuges.

101 STAT. 1551

SEC. 4. COOPERATIVE LAW ENFORCEMENT AGREEMENTS.

Subsection 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)), is amended by adding after the last sentence of that subsection the following: "The Director of the United States Fish and Wildlife Service is authorized to utilize by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for purposes of enhancing the enforcement of this Act.".

Approved December 31, 1987.

LEGISLATIVE HISTORY—H.R. 2583:

HOUSE REPORTS: No. 100-326 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Nov. 9, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 100-240
100th Congress

101 STAT. 1785

An Act

To amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

Jan. 11, 1988
[S. 1389]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES OF THE FOUNDATION.

(a) IN GENERAL.—Section (2)(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end thereof the following:

"(3) to participate with, and otherwise assist, foreign govern-

ments, entities, and individuals in undertaking and conducting activities that will further the conservation and management of the fish, wildlife, and plant resources of other countries.".

(b) CONFORMING AMENDMENT.—Section 4(a)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(2)) is amended by inserting "and abroad" after "United States".

SEC. 2. ACQUISITION, MANAGEMENT, AND DISPOSAL OF REAL PROPERTY.

(a) IN GENERAL.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end thereof the following:

"(e) ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—(1) The Foundation may only use Federal funds for the acquisition of interests in real property if—

"(A) the interest is a long-term property interest, and

"(B) the Director of the United States Fish and Wildlife Service (hereafter in this subsection referred to as the "Director") consents to the acquisition in writing.

"(2) The Foundation shall convey to the United States Fish and Wildlife Service for inclusion within the National Wildlife Refuge System any real property acquired by the Foundation in whole or in part with Federal funds if the Director, within one year after the date on which the property was acquired by the Foundation, requests the conveyance in writing.

"(3)(A) Subject to subparagraph (B), the Foundation may—

"(i) convey to another person any real property acquired in whole or in part with Federal funds and not conveyed under paragraph (2); and

"(ii) grant or otherwise provide Federal funds to another person for purposes of assisting that person to acquire real property in whole or in part with such funds.

"(B) The Foundation may only make a conveyance or provide
101 STAT. 1786 Federal funds under subparagraph (A) if—

"(i) the conveyance or provision is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use; and

"(ii) the Director finds that conveyance or provision of Federal funds meets the requirements of clause (i) and consents to it in writing.

"(4) All real property acquired by the Foundation in whole or in part with Federal funds and held by it shall be administered for the conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use.

"(5) The Foundation shall convey at not less than fair-market value any real property acquired by it in whole or in part with Federal funds if the Foundation and the Director determine, in writing, that—

"(A) the land is no longer valuable for the purposes of fish and wildlife conservation or management, and

"(B) the purposes of the Foundation would be better served by the use of the Federal funds for other authorized activities of the Foundation.".

(b) CONFORMING AMENDMENTS.—(1) Section 4(c)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(2)) is amended by striking "therein;" and inserting in lieu thereof the following: "therein, subject to subsection (e);".

(2) Section 7(b) of such Act (16 U.S.C. 3706(b)) is amended by inserting before the period the following: "; and a description of all acquisition and disposal of real property that is subject to section 4(e).".

SEC. 3. REIMBURSEMENT FOR ADMINISTRATIVE SERVICES.

Section 5 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3704) is amended—

(1) by inserting "(a) PROVISION OF SERVICES.—" before "The Secretary";

(2) by striking out "Act," and all that follows thereafter and inserting "Act."; and

(3) by adding at the end thereof the following:

"(b) REIMBURSEMENT.—The Foundation may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of the Interior for each of fiscal years 1988 through 1993, inclusive, not to exceed $5,000,000 to be made available to the Foundation— 101 STAT. 1787

"(1) to match partially or wholly the amount or value of contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies; and

"(2) to provide administrative services under section 5.".

Approved January 11, 1988.

LEGISLATIVE HISTORY—S. 1389:

SENATE REPORTS: No. 100-255 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Dec. 18, considered and passed Senate.
Dec. 21, considered and passed House.

JUDICIAL ACT

Public Law 100-53
100th Congress

101 STAT. 367

An Act

To amend title 5, United States Code, to provide enhanced retirement credit for United States magistrates.

June 18, 1987
[H.R. 1947]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Magistrates' Retirement Parity Act of 1987.
5 USC 8331 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Magistrates' Retirement Parity Act of 1987".

SEC. 2. ANNUITIES UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) by amending paragraph (22) to read as follows:

"(22) 'bankruptcy judge' means an individual—

"(A) who is appointed under section 34 of the Bankruptcy Act (11 U.S.C. 62) or under section 404(d) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), and—

"(i) who is serving as a United States bankruptcy judge on March 31, 1984; or

"(ii) whose service as a United States bankruptcy judge at any time in the period beginning on October 1, 1979, and ending on July 10, 1984, is terminated by reason of death or disability; or

"(B) who is appointed as a bankruptcy judge under section 152 of title 28;";

28 USC note prec. 151.

(2) by striking out "and" at the end of paragraph (23);

(3) by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and"; and

(4) by adding at the end the following new paragraph:

"(25) 'magistrate' or 'United States magistrate' means an individual appointed under section 631 of title 28.".

(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "and" after "Member" and inserting in lieu thereof ", a United States magistrate,"; and

(B) by inserting a comma after "Military Appeals"; and

(2) in subsection (c), by inserting at the end of the table the following:

101 STAT. 368

"United States magistrate	2½	August 1, 1920, to June 30, 1926.
	3½	July 1, 1926, to June 30, 1942.
	5	July 1, 1942, to June 30, 1948.
	6	July 1, 1948, to October 31, 1956.
	6½	November 1, 1956, to December 31, 1969.
	7	January 1, 1970, to September 30, 1987.
	8	After September 30, 1987."

(c) IMMEDIATE RETIREMENT.—Section 8336(k) of title 5, United States Code, is amended to read as follows:

"(k) A bankruptcy judge or United States magistrate who is separated from service, except by removal, after becoming 62 years of age and completing 5 years of civilian service, or after becoming 60 years of age and completing 10 years of service as a bankruptcy judge or United States magistrate, is entitled to an annuity.".

(d) COMPUTATION OF ANNUITY.—Section 8339(n) of title 5, United States Code, is amended to read as follows:

"(n) The annuity of an employee who is a bankruptcy judge or United States magistrate is computed, with respect to service as a referee in bankruptcy, as a bankruptcy judge, as a United States magistrate, and as a United States commissioner and with respect to the military service of any such individual (not exceeding 5 years) creditable under section 8332 of this title, by multiplying 2½ percent of the individual's average pay by the years of that service.".

5 USC 8331 note

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1987, and shall apply to bankruptcy judges and United States magistrates in office on that date and to individuals subsequently appointed to such positions to whom chapter 83 of title 5, United States Code, otherwise applies.

5 USC 8301 *et seq*

Approved June 18, 1987.

LEGISLATIVE HISTORY—H.R. 1947:

CONGRESSIONAL RECORD, Vol. 133 (1987):
May 27, considered and passed House.
June 3, considered and passed Senate.

Public Law 100-93
100th Congress

101 STAT. 680

An Act

To amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs.

Aug. 18, 1987
[H.R. 1444]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Medicare and Medicaid Patient and Program Protection Act of 1987.
42 USC 1305 note.

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare and Medicaid Patient and Program Protection Act of 1987".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in Act; table of contents.
Sec. 2. Exclusion from medicare and State health care programs.
Sec. 3. Civil monetary penalties.
Sec. 4. Criminal penalties for acts involving medicare and State health care programs.
Sec. 5. Information concerning sanctions taken by State licensing authorities against health care practitioners and providers.
Sec. 6. Obligation of health care practitioners and providers.
Sec. 7. Exclusion under the medicaid program.
Sec. 8. Miscellaneous and conforming amendments.
Sec. 9. Clarification of medicaid moratorium provisions of Deficit Reduction Act of 1984.
Sec. 10. Limitation of liability of medicare beneficiaries with respect to services furnished by excluded individuals and entities.
Sec. 11. Definition of person with ownership or control interest.
Sec. 12. Conditional approval of renal dialysis facilities.
Sec. 13. Amendment relating to fraud involving medicare supplemental insurance.
Sec. 14. Standards for anti-kickback provisions.
Sec. 15. Effective dates.

SEC. 2. EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128 (42 U.S.C. 1320a-7) is amended to read as follows:

"EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS

"SEC. 1128. (a) MANDATORY EXCLUSION.—The Secretary shall exclude the following individuals and entities from participation in any program under title XVIII and shall direct that the following individuals and entities be excluded from participation in any State health care program (as defined in subsection (h)):

42 USC 1395.

"(1) CONVICTION OF PROGRAM-RELATED CRIMES.—Any individual or entity that has been convicted of a criminal offense

42 USC 1395.
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related to the delivery of an item or service under title XVIII or under any State health care program.

"(2) CONVICTION RELATING TO PATIENT ABUSE.—Any individual or entity that has been convicted, under Federal or State law, of a criminal offense relating to neglect or abuse of patients in connection with the delivery of a health care item or service.

"(b) PERMISSIVE EXCLUSION.—The Secretary may exclude the following individuals and entities from participation in any program under title XVIII and may direct that the following individuals and entities be excluded from participation in any State health care program:

"(1) CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a program operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.

"(2) CONVICTION RELATING TO OBSTRUCTION OF AN INVESTIGATION.—Any individual or entity that has been convicted, under Federal or State law, in connection with the interference with or obstruction of any investigation into any criminal offense described in paragraph (1) or in subsection (a).

Drugs and drug abuse

"(3) CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted, under Federal or State law, of a criminal offense relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.

"(4) LICENSE REVOCATION OR SUSPENSION.—Any individual or entity—

"(A) whose license to provide health care has been revoked or suspended by any State licensing authority, or who otherwise lost such a license, for reasons bearing on the individual's or entity's professional competence, professional performance, or financial integrity, or

"(B) who surrendered such a license while a formal disciplinary proceeding was pending before such an authority and the proceeding concerned the individual's or entity's professional competence, professional performance, or financial integrity.

"(5) EXCLUSION OR SUSPENSION UNDER FEDERAL OR STATE HEALTH CARE PROGRAM.—Any individual or entity which has been suspended or excluded from participation, or otherwise sanctioned, under—

"(A) any Federal program, including programs of the Department of Defense or the Veterans' Administration, involving the provision of health care, or

"(B) a State health care program,

for reasons bearing on the individual's or entity's professional competence, professional performance, or financial integrity.

"(6) CLAIMS FOR EXCESSIVE CHARGES OR UNNECESSARY SERVICES AND FAILURE OF CERTAIN ORGANIZATIONS TO FURNISH MEDICALLY NECESSARY SERVICES.—Any individual or entity that the Secretary determines—

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42 USC 1395

"(A) has submitted or caused to be submitted bills or requests for payment (where such bills or requests are based on charges or cost) under title XVIII or a State health care program containing charges (or, in applicable cases, requests for payment of costs) for items or services furnished substantially in excess of such individual's or entity's usual charges (or, in applicable cases, substantially in excess of such individual's or entity's costs) for such items or services, unless the Secretary finds there is good cause for such bills or requests containing such charges or costs;

"(B) has furnished or caused to be furnished items or services to patients (whether or not eligible for benefits under title XVIII or under a State health care program) substantially in excess of the needs of such patients or of a quality which fails to meet professionally recognized standards of health care;

"(C) is—

"(i) a health maintenance organization (as defined in section 1903(m)) providing items and services under a State plan approved under title XIX, or

"(ii) an entity furnishing services under a waiver approved under section 1915(b)(1),

and has failed substantially to provide medically necessary items and services that are required (under law or the contract with the State under title XIX) to be provided to individuals covered under that plan or waiver, if the failure has adversely affected (or has a substantial likelihood of adversely affecting) these individuals; or

"(D) is an entity providing items and services as an eligible organization under a risk-sharing contract under section 1876 and has failed substantially to provide medically necessary items and services that are required (under law or such contract) to be provided to individuals covered under the risk-sharing contract, if the failure has adversely affected (or has a substantial likelihood of adversely affecting) these individuals.

Contracts.
42 USC 1396b.
42 USC 1396.
42 USC 1396n.
42 USC 1395mm.

"(7) FRAUD, KICKBACKS, AND OTHER PROHIBITED ACTIVITIES.—Any individual or entity that the Secretary determines has committed an act which is described in section 1128A or section 1128B.

Post, pp. 686–688.

"(8) ENTITIES CONTROLLED BY A SANCTIONED INDIVIDUAL.—Any entity with respect to which the Secretary determines that a person—

Post, p. 689.

"(A)(i) with an ownership or control interest (as defined in section 1124(a)(3)) in that entity, or

"(ii) who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of that entity—

42 USC 1320a-3.
Post, p. 692.

is a person—

"(B)(i) who has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection;

"(ii) against whom a civil monetary penalty has been assessed under section 1128A; or

"(iii) who has been excluded from participation under a program under title XVIII or under a State health care program.

"(9) FAILURE TO DISCLOSE REQUIRED INFORMATION.—Any entity that did not fully and accurately make any disclosure required by section 1124 or section 1126.

101 STAT. 683

"(10) FAILURE TO SUPPLY REQUESTED INFORMATION ON SUBCONTRACTORS AND SUPPLIERS.—Any disclosing entity (as defined in section 1124(a)(2)) that fails to supply (within such period as may be specified by the Secretary in regulations) upon request specifically addressed to the entity by the Secretary or by the State agency administering or supervising the administration of a State health care program—

42 USC 1320a-3.

"(A) full and complete information as to the ownership of a subcontractor (as defined by the Secretary in regulations) with whom the entity has had, during the previous 12 months, business transactions in an aggregate amount in excess of $25,000, or

"(B) full and complete information as to any significant business transactions (as defined by the Secretary in regulations), occurring during the five-year period ending on the date of such request, between the entity and any

wholly owned supplier or between the entity and any subcontractor.

"(11) FAILURE TO SUPPLY PAYMENT INFORMATION.—Any individual or entity furnishing items or services for which payment may be made under title XVIII or a State health care program that fails to provide such information as the Secretary or the appropriate State agency finds necessary to determine whether such payments are or were due and the amounts thereof, or has refused to permit such examination of its records by or on behalf of the Secretary or that agency as may be necessary to verify such information.

42 USC 1395.

"(12) FAILURE TO GRANT IMMEDIATE ACCESS.—Any individual or entity that fails to grant immediate access, upon reasonable request (as defined by the Secretary in regulations) to any of the following:

"(A) To the Secretary, or to the agency used by the Secretary, for the purpose specified in the first sentence of section 1864(a) (relating to compliance with conditions of participation or payment).

42 USC 1395aa.

"(B) To the Secretary or the State agency, to perform the reviews and surveys required under State plans under paragraphs (26), (31), and (33) of section 1902(a) and under section 1903(g).

42 USC 1396a.
42 USC 1396b.

"(C) To the Inspector General of the Department of Health and Human Services, for the purpose of reviewing records, documents, and other data necessary to the performance of the statutory functions of the Inspector General.

"(D) To a State medicaid fraud control unit (as defined in section 1903(q)), for the purpose of conducting activities described in that section.

"(13) FAILURE TO TAKE CORRECTIVE ACTION.—Any hospital that fails to comply substantially with a corrective action required under section 1886(f)(2)(B).

Health care facilities.
42 USC 1395ww.

"(14) DEFAULT ON HEALTH EDUCATION LOAN OR SCHOLARSHIP OBLIGATIONS.—Any individual who the Secretary determines is in default on repayments of scholarship obligations or loans in connection with health professions education made or secured, in whole or in part, by the Secretary and with respect to whom the Secretary has taken all reasonable steps available to the Secretary to secure repayment of such obligations or loans, except that (A) the Secretary shall not exclude pursuant to this paragraph a physician who is the sole community physician or sole source of essential specialized services in a community if a State requests that the physician not be excluded, and (B) the Secretary shall take into account, in determining whether to exclude any other physician pursuant to this paragraph, access of beneficiaries to physician services for which payment may be made under title XVIII or XIX.

101 STAT. 684

42 USC 1395, 1396.

"(c) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section or under section 1128A shall be effective at such time and upon such reasonable notice to the public and to the individual or entity excluded as may be specified in regulations consistent with paragraph (2).

Post, p. 686.

"(2)(A) Except as provided in subparagraph (B), such an exclusion shall be effective with respect to services furnished to an individual on or after the effective date of the exclusion.

"(B) Unless the Secretary determines that the health and safety of individuals receiving services warrants the exclusion taking effect earlier, an exclusion shall not apply to payments made under title XVIII or under a State health care program for—

"(i) inpatient institutional services furnished to an individual who was admitted to such institution before the date of the exclusion, or

"(ii) home health services and hospice care furnished to an individual under a plan of care established before the date of the exclusion,

until the passage of 30 days after the effective date of the exclusion.

"(3)(A) The Secretary shall specify, in the notice of exclusion under paragraph (1) and the written notice under section 1128A, the minimum period (or, in the case of an exclusion of an individual under subsection (b)(12), the period) of the exclusion.

"(B) In the case of an exclusion under subsection (a), the minimum period of exclusion shall be not less than five years, except that, upon the request of a State, the Secretary may waive the exclusion under subsection (a)(1) in the case of an individual or entity that is the sole community physician or sole source of essential specialized services in a community. The Secretary's decision whether to waive the exclusion shall not be reviewable.

"(C) In the case of an exclusion of an individual under subsection (b)(12), the period of the exclusion shall be equal to the sum of—

"(i) the length of the period in which the individual failed to grant the immediate access described in that subsection, and

"(ii) an additional period, not to exceed 90 days, set by the Secretary.

"(d) NOTICE TO STATE AGENCIES AND EXCLUSION UNDER STATE HEALTH CARE PROGRAMS.—(1) Subject to paragraph (3), the Secretary shall exercise the authority under subsection (b) in a manner that results in an individual's or entity's exclusion from all the programs under title XVIII and all the State health care programs in which the individual or entity may otherwise participate.

"(2) The Secretary shall promptly notify each appropriate State agency administering or supervising the administration of each State health care program (and, in the case of an exclusion effected pursuant to subsection (a) and to which section 304(a)(5) of the Controlled Substances Act may apply, the Attorney General)— 21 USC 824.

"(A) of the fact and circumstances of each exclusion effected against an individual or entity under this section or section 1128A, and 101 STAT. 685

Post, p. 686.

"(B) of the period (described in paragraph (3)) for which the State agency is directed to exclude the individual or entity from participation in the State health care program.

"(3)(A) Except as provided in subparagraph (B), the period of the exclusion under a State health care program under paragraph (2) shall be the same as any period of exclusion under a program under title XVIII. 42 USC 1395.

"(B) The Secretary may waive an individual's or entity's exclusion under a State health care program under paragraph (2) if the Secretary receives and approves a request for the waiver with respect to the individual or entity from the State agency administering or supervising the administration of the program.

"(e) NOTICE TO STATE LICENSING AGENCIES.—The Secretary shall—

"(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual or entity excluded (or directed to be excluded) from participation under this section or section 1128A, of the fact and circumstances of the exclusion,

"(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and

"(3) request that the State or local agency or authority keep the Secretary and the Inspector General of the Department of Health and Human Services fully and currently informed with respect to any actions taken in response to the request.

"(f) NOTICE, HEARING, AND JUDICIAL REVIEW.—(1) Subject to paragraph (2), any individual or entity that is excluded (or directed to be excluded) from participation under this section is entitled to reason-

able notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

42 USC 405.

"(2) Unless the Secretary determines that the health or safety of individuals receiving services warrants the exclusion taking effect earlier, any individual or entity that is the subject of an adverse determination under subsection (b)(7) shall be entitled to a hearing by an administrative law judge (as provided under section 205(b)) on the determination under subsection (b)(7) before any exclusion based upon the determination takes effect.

"(3) The provisions of section 205(h) shall apply with respect to this section and sections 1128A and 1156 to the same extent as it is applicable with respect to title II.

42 USC 1320c-5.
42 USC 401.

"(g) APPLICATION FOR TERMINATION OF EXCLUSION.—(1) An individual or entity excluded (or directed to be excluded) from participation under this section or section 1128A may apply to the Secretary, in the manner specified by the Secretary in regulations and at the end of the minimum period of exclusion provided under subsection (c)(3) and at such other times as the Secretary may provide, for termination of the exclusion effected under this section or section 1128A.

"(2) The Secretary may terminate the exclusion if the Secretary determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Secretary at the time of the exclusion, that—

101 STAT. 686

"(A) there is no basis under subsection (a) or (b) or section 1128A(a) for a continuation of the exclusion, and

Infra.

"(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

"(3) The Secretary shall promptly notify each appropriate State agency administering or supervising the administration of each State health care program (and, in the case of an exclusion effected pursuant to subsection (a) and to which section 304(a)(5) of the Controlled Substances Act may apply, the Attorney General) of the fact and circumstances of each termination of exclusion made under this subsection.

21 USC 824.

"(h) DEFINITION OF STATE HEALTH CARE PROGRAM.—For purposes of this section and sections 1128A and 1128B, the term 'State health care program' means—

Post, p. 689.

"(1) a State plan approved under title XIX,

42 USC 1396.

"(2) any program receiving funds under title V or from an allotment to a State under such title, or

42 USC 701.

"(3) any program receiving funds under title XX or from an allotment to a State under such title.

42 USC 1397.

"(i) CONVICTED DEFINED.—For purposes of subsections (a) and (b), a physician or other individual is considered to have been 'convicted' of a criminal offense—

"(1) when a judgment of conviction has been entered against the physician or individual by a Federal, State, or local court, regardless of whether there is an appeal pending or whether the judgment of conviction or other record relating to criminal conduct has been expunged;

"(2) when there has been a finding of guilt against the physician or individual by a Federal, State, or local court;

"(3) when a plea of guilty or nolo contendere by the physician or individual has been accepted by a Federal, State, or local court; or

"(4) when the physician or individual has entered into participation in a first offender or other program where judgment of conviction has been withheld.".

SEC. 3. CIVIL MONETARY PENALTIES.

(a) GROUNDS FOR IMPOSITION.—(1) Section 1128A(a)(1) (42 U.S.C. 1320a-7a(a)(1)) is amended by striking "the Secretary determines" and all that follows through "; or" and inserting "the Secretary determines—

"(A) is for a medical or other item or service that the person knows or has reason to know was not provided as claimed,

"(B) is for a medical or other item or service and the person knows or has reason to know the claim is false or fraudulent,

"(C) is presented for a physician's service (or an item or service incident to a physician's service) by a person who knows or has reason to know that the individual who furnished (or supervised the furnishing of) the service—

"(i) was not licensed as a physician,

"(ii) was licensed as a physician, but such license had been obtained through a misrepresentation of material fact (including cheating on an examination required for licensing), or

"(iii) represented to the patient at the time the service was furnished that the physician was certified in a medical specialty by a medical specialty board when the individual was not so certified, or

101 STAT. 687

"(D) is for a medical or other item or service furnished during a period in which the person was excluded under the program under which the claim was made pursuant to a determination by the Secretary under this section or under section 1128, 1156, 1160(b) (as in effect on September 2, 1982), 1862(d) (as in effect on the date of the enactment of the Medicare and Medicaid Patient and Program Protection Act of 1987), or 1866(b); or".

Ante, p. 680; 42 USC 1320c-5. 42 USC 1320c-9. *Post*, pp. 692, 693.

(2) Section 1128A(a)(2) is amended—

(A) in subparagraph (B) by inserting "(or other requirement of a State plan under title XIX)" after "State agency", and

42 USC 1396.

(B) by inserting at the end "or (D) an agreement pursuant to section 1866(a)(1)(G), or".

(3) Subsection (a) of section 1128A is further amended—

(A) by inserting after paragraph (2) and before the end matter of such subsection the following new paragraph:

"(3) gives to any person, with respect to coverage under title XVIII of inpatient hospital services subject to the provisions of section 1886, information that he knows or has reason to know is false or misleading, and that could reasonably be expected to influence the decision when to discharge such person or another individual from the hospital;", and

42 USC 1395. *Post*, p. 693.

(B) in the matter following paragraph (3)—

(i) by inserting "(or, in cases under paragraph (3), $15,000 for each individual with respect to whom false or misleading information was given)" before the period at the end of the first sentence, and

(ii) by adding at the end thereof the following new sentence: "In addition the Secretary may make a determination in the same proceeding to exclude the person from participation in the programs under title XVIII and to direct the appropriate State agency to exclude the person from participation in any State health care program.".

(b) STATUTE OF LIMITATION ON ACTIONS.—Subsection (c)(1) of section 1128A (as redesignated by section 9313(c)(1)(D) of the Omnibus Budget Reconciliation Act of 1986) is amended by adding at the end the following new sentences: "The Secretary may not initiate an action under this section with respect to any claim later than six years after the date the claim was presented. The Secretary may initiate an action under this section by serving notice of the action in any manner authorized by Rule 4 of the Federal Rules of Civil Procedure.".

28 USC app.

(c) CONFORMING AMENDMENT.—Subsections (c), (d), (g), and (h) of section 1128A are each amended by striking "penalty or assessment" and inserting "penalty, assessment, or exclusion" each place it appears.

(d) PRO-RATED PAYMENT OF RECOVERIES TO STATE AGENCIES.—Subsection (f)(1)(A) of section 1128A is amended by striking "equal to the State's share of the amount paid by the State agency" and inserting "bearing the same proportion to the total amount recovered as the State's share of the amount paid by the State agency for such claim bears to the total amount paid".

(e) NOTICE TO STATE AGENCIES.—Subsection (h) of section 1128A is further amended by inserting "the appropriate State agency or agencies administering or supervising the administration of State health care programs (as defined in section 1128(h))," after "professional organization,".

101 STAT. 688

Ante, p. 680.

(f) APPLICATION OF SUBPOENA POWER AND INJUNCTIVE POWERS.—Section 1128A is further amended by adding at the end the following new subsections:

Ante, p. 686.

42 USC 405.

"(j) The provisions of subsections (d) and (e) of section 205 shall apply with respect to this section to the same extent as they are applicable with respect to title II. The Secretary may delegate the authority granted by section 205(d) (as made applicable to this section) to the Inspector General of the Department of Health and Human Services for purposes of any investigation under this section.

"(k) Whenever the Secretary has reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil monetary penalty under this section, the Secretary may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any territory) to enjoin such activity, or to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil monetary penalty if any such penalty were to be imposed or to seek other appropriate relief.".

SEC. 4. CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) TECHNICAL AMENDMENTS.—Section 1909 (42 U.S.C. 1396h) is amended—

(1) by amending the heading to read as follows:

"CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE OR STATE HEALTH CARE PROGRAMS";

42 USC 1395.

(2) in subsection (a)(1), by striking "a State plan approved under this title" and inserting "a program under title XVIII or a State health care program (as defined in section 1128(h))";

(3) in the matter in subsection (a) following paragraph (4), by striking "this title" the first place it appears and inserting "the program";

42 USC 1396.

(4) in the last sentence of subsection (a), by striking "this title" the first place it appears and inserting "title XIX", and by striking "this title" the second place it appears and inserting "that title";

(5) in paragraphs (1)(A), (1)(B), (2)(A), (2)(B), and (3)(A) of subsection (b), by striking "this title" and inserting "title XVIII or a State health care program" each place it appears;

(6) in subsection (b)(3)—

(A) by striking "and" at the end of subparagraph (A),

(B) by striking the period at the end of subparagraph (B) and inserting "; and", and

(C) by adding at the end the following:

"(C) any amount paid by a vendor of goods or services to a person authorized to act as a purchasing agent for a group of individuals or entities who are furnishing services reimbursed under title XVIII or a State health care program if—

Contracts.

"(i) the person has a written contract, with each such individual or entity, which specifies the amount to be paid the person, which amount may be a fixed amount or a fixed

percentage of the value of the purchases made by each such individual or entity under the contract, and

"(ii) in the case of an entity that is a provider of services (as defined in section 1861(u)), the person discloses (in such form and manner as the Secretary requires) to the entity and, upon request, to the Secretary the amount received from each such vendor with respect to purchases made by or on behalf of the entity.";

(7) in subsection (c), by striking "or home health agency (as those terms are employed in this title)" and inserting "home health agency, or other entity for which certification is required under title XVIII or a State health care program"; and

(8) in subsection (d), by striking "this title" and inserting "title XIX" each place it appears.

(b) CRIMINAL PENALTIES FOR PHYSICIAN MISREPRESENTATIONS.—Subsection (a) of such section is further amended—

(1) by striking "or" at the end of paragraph (3),

(2) by inserting "or" at the end of paragraph (4), and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) presents or causes to be presented a claim for a physician's service for which payment may be made under a program under title XVIII or a State health care program and knows that the individual who furnished the service was not licensed as a physician,".

(c) REDESIGNATION OF SECTION 1877(d) AS SECTION 1128B(e).—Subsection (d) of section 1877 (42 U.S.C. 1395nn) is redesignated as subsection (e) and is transferred and inserted in section 1909 at the end thereof.

(d) REDESIGNATION OF SECTION 1909 AS SECTION 1128B.—Section 1909, as amended by subsections (a), (b), and (c) of this section, is redesignated as section 1128B and is transferred to title XI and inserted immediately after section 1128A.

(e) REPEAL.—Section 1877 (other than subsection (d) thereof which was transferred under subsection (c) of this section) is repealed.

42 USC 1395x.

42 USC 1395.

42 USC 1396.

Claims.

42 USC 1396h.

42 USC 1320a-7b.

42 USC 1301.

SEC. 5. INFORMATION CONCERNING SANCTIONS TAKEN BY STATE LICENSING AUTHORITIES AGAINST HEALTH CARE PRACTITIONERS AND PROVIDERS.

(a) MEDICAID PLAN REQUIREMENT.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (46),

(2) by striking the period at the end of the paragraph (47) added by section 9407(a) of the Omnibus Budget Reconciliation Act of 1986 and inserting a semicolon and transferring and inserting such paragraph after paragraph (46),

(3) by striking the period at the end of the paragraph (47) added by section 11005(b) of the Anti-Drug Abuse Act of 1986 and inserting "; and", by redesignating such paragraph as paragraph (48), and by transferring and inserting such paragraph after paragraph (47), and

(4) by inserting after paragraph (48) the following new paragraph:

"(49) provide that the State will provide information and access to certain information respecting sanctions taken against health care practitioners and providers by State licensing authorities in accordance with section 1921.".

Post, pp. 691, 694.

42 USC 1396a.

42 USC 1396a.

Post, p. 690.

(b) INFORMATION REQUIRED.—Title XIX is amended by redesignating section 1921 as section 1922 and inserting after section 1920 the following new section:

42 USC 1396s.

"INFORMATION CONCERNING SANCTIONS TAKEN BY STATE LICENSING AUTHORITIES AGAINST HEALTH CARE PRACTITIONERS AND PROVIDERS

"SEC. 1921. (a) INFORMATION REPORTING REQUIREMENT.—The requirement referred to in section 1902(a)(49) is that the State must provide for the following:

42 USC 1396r-2.

Ante, p. 689; *post*, pp. 691, 694.

"(1) INFORMATION REPORTING SYSTEM.—The State must have in effect a system of reporting the following information with respect to formal proceedings (as defined by the Secretary in regulations) concluded against a health care practitioner or entity by any authority of the State (or of a political subdivision thereof) responsible for the licensing of health care practitioners or entities:

"(A) Any adverse action taken by such licensing authority as a result of the proceeding, including any revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or probation.

"(B) Any dismissal or closure of the proceedings by reason of the practitioner or entity surrendering the license or leaving the State or jurisdiction.

"(C) Any other loss of the license of the practitioner or entity, whether by operation of law, voluntary surrender, or otherwise.

"(2) ACCESS TO DOCUMENTS.—The State must provide the Secretary (or an entity designated by the Secretary) with access to such documents of the authority described in paragraph (1) as may be necessary for the Secretary to determine the facts and circumstances concerning the actions and determinations described in such paragraph for the purpose of carrying out this Act.

"(b) FORM OF INFORMATION.—The information described in subsection (a)(1) shall be provided to the Secretary (or to an appropriate private or public agency, under suitable arrangements made by the Secretary with respect to receipt, storage, protection of confidentiality, and dissemination of information) in such a form and manner as the Secretary determines to be appropriate in order to provide for activities of the Secretary under this Act and in order to provide, directly or through suitable arrangements made by the Secretary, information—

"(1) to agencies administering Federal health care programs, including private entities administering such programs under contract,

"(2) to licensing authorities described in subsection (a)(1),

"(3) to State agencies administering or supervising the administration of State health care programs (as defined in section 1128(h)),

Ante, p. 680.

"(4) to utilization and quality control peer review organizations described in part B of title XI and to appropriate entities with contracts under section 1154(a)(4)(C) with respect to eligible organizations reviewed under the contracts,

42 USC 1320c.
42 USC 1320c-3.

"(5) to State medicaid fraud control units (as defined in section 1903(q)),

42 USC 1396b

"(6) to hospitals and other health care entities (as defined in section 431 of the Health Care Quality Improvement Act of 1986), with respect to physicians or other licensed health care practitioners that have entered (or may be entering) into an employment or affiliation relationship with, or have applied for clinical privileges or appointments to the medical staff of, such hospitals or other health care entities (and such information shall be deemed to be disclosed pursuant to section 427 of, and be subject to the provisions of, that Act),

Health care facilities.
42 USC 11151.
101 STAT. 691

42 USC 11137.

"(7) to the Attorney General and such other law enforcement officials as the Secretary deems appropriate, and

"(8) upon request, to the Comptroller General,

in order for such authorities to determine the fitness of individuals to provide health care services, to protect the health and safety of individuals receiving health care through such programs, and to protect the fiscal integrity of such programs.

"(c) CONFIDENTIALITY OF INFORMATION PROVIDED.—The Secretary shall provide for suitable safeguards for the confidentiality of the information furnished under subsection (a). Nothing in this subsec-

tion shall prevent the disclosure of such information by a party which is otherwise authorized, under applicable State law, to make such disclosure.

"(d) APPROPRIATE COORDINATION.—The Secretary shall provide for the maximum appropriate coordination in the implementation of subsection (a) of this section and section 422 of the Health Care Quality Improvement Act of 1986.". 42 USC 11132.

SEC. 6. OBLIGATION OF HEALTH CARE PRACTITIONERS AND PROVIDERS.

Section 1156 (42 U.S.C. 1320c-5) is amended—

(1) by striking "title XVIII" and "such title" in subsection (a) and inserting "this Act" in each instance, and

(2) by striking "title XVIII" in subsection (b) and inserting "this Act" each place it appears.

SEC. 7. EXCLUSION UNDER THE MEDICAID PROGRAM.

Section 1902 (42 U.S.C. 1396b) is amended by redesignating the subsection (l) added by section 3(b) of the Employment Opportunities for Disabled Americans Act as subsection (o) and by inserting after such subsection the following new subsection: 42 USC 1396a; *ante*, p. 689.

"(p)(1) In addition to any other authority, a State may exclude any individual or entity for purposes of participating under the State plan under this title for any reason for which the Secretary could exclude the individual or entity from participation in a program under title XVIII under section 1128, 1128A, or 1866(b)(2). 42 USC 1395; *ante*, p. 680; 42 USC 1370a-7a, 1395cc.

"(2) In order for a State to receive payments for medical assistance under section 1903(a), with respect to payments the State makes to a health maintenance organization (as defined in section 1903(m)) or to an entity furnishing services under a waiver approved under section 1915(b)(1), the State must provide that it will exclude from participation, as such an organization or entity, any organization or entity that— 42 USC 1396b. 42 USC 1396n.

"(A) could be excluded under section 1128(b)(8) (relating to owners and managing employees who have been convicted of certain crimes or received other sanctions), or

"(B) has, directly or indirectly, a substantial contractual relationship (as defined by the Secretary) with an individual or entity that is described in section 1128(b)(8)(B). Contracts.

"(3) As used in this subsection, the term 'exclude' includes the refusal to enter into or renew a participation agreement or the termination of such an agreement.". 101 STAT. 692

SEC. 8. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) MATERNAL AND CHILD HEALTH PROGRAM.—Section 504(b) (42 U.S.C. 704(b)) is amended—

(1) by striking "or" at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting "; or", and

(3) by adding at the end thereof the following new paragraph:

"(6) payment for any item or service (other than an emergency item or service) furnished—

"(A) by an individual or entity during the period when such individual or entity is excluded pursuant to section 1128 or section 1128A from participation in the program under this title, or *Ante*, pp. 680, 686.

"(B) at the medical direction or on the prescription of a physician during the period when the physician is excluded pursuant to section 1128 or section 1128A from participation in the program under this title and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person).".

(b) DISCLOSURE REQUIREMENTS.—(1) Subsection (a) of section 1126 (42 U.S.C. 1320a-5) is amended—

(A) in the first sentence, by striking "or other institution" and all that follows through the period at the end and inserting "or

other entity (other than an individual practitioner or group of practitioners) shall be required to disclose to the Secretary or to the appropriate State agency the name of any person that is a person described in subparagraphs (A) and (B) of section 1128(b)(8).", and

(B) in the second sentence, by striking "institution, organization, or agency" and inserting "entity".

(2) Subsection (b) of such section is amended by striking "institution, organization, or agency" and inserting "entity" each place it appears.

(c) MEDICARE PAYMENTS.—(1) Section 1862 (42 U.S.C. 1395y) is amended—

(A) by repealing subsection (d), and

(B) by amending subsection (e) to read as follows:

"(e) No payment may be made under this title with respect to any item or service (other than an emergency item or service) furnished—

"(1) by an individual or entity during the period when such individual or entity is excluded pursuant to section 1128 or section 1128A from participation in the program under this title; or

"(2) at the medical direction or on the prescription of a physician during the period when he is excluded pursuant to section 1128 or section 1128A from participation in the program under this title and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person).".

101 STAT. 693

(2) Section 1842(j) (42 U.S.C. 1395u(j)) is amended—

(A) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

"(A) excluding a physician from participation in the programs under this title for a period not to exceed 5 years, in accordance with the procedures of subsections (c), (f), and (g) of section 1128, or", and

Ante, p. 680.

(ii) by striking "barred from participation in the program" in the second sentence and inserting "excluded from participation in the programs"; and

(B) by striking "bar" in paragraph (3)(A) and inserting "exclude".

(3) Section 1862(h)(4) (42 U.S.C. 1395y(h)(4)) is amended by striking "paragraphs (2) and (3) of subsection (d)" and inserting "subsections (c), (f), and (g) of section 1128".

(4) Paragraph (3) of section 1886(f) (42 U.S.C. 1395ww(f)) is amended to read as follows:

"(3) The provisions of subsections (c) through (g) of section 1128 shall apply to determinations made under paragraph (2) in the same manner as they apply to exclusions effected under section 1128(b)(13).".

(d) TERMINATION OF PROVIDER AGREEMENTS UNDER MEDICARE.—Section 1866 (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3), and

(B) by redesignating paragraph (4) as paragraph (3);

(2) by amending subsection (b) to read as follows:

"(b)(1) A provider of services may terminate an agreement with the Secretary under this section at such time and upon such notice to the Secretary and the public as may be provided in regulations, except that notice of more than six months shall not be required.

"(2) The Secretary may refuse to enter into an agreement under this section or, upon such reasonable notice to the provider and the public as may be specified in regulations, may refuse to renew or may terminate such an agreement after the Secretary—

"(A) has determined that the provider fails to comply substantially with the provisions of the agreement, with the provisions

of this title and regulations thereunder, or with a corrective action required under section 1886(f)(2)(B),

"(B) has determined that the provider fails substantially to meet the applicable provisions of section 1861, or 42 USC 1395x

"(C) has excluded the provider from participation in a program under this title pursuant to section 1128 or section 1128A. 42 USC 1320a-7a

"(3) A termination of an agreement or a refusal to renew an agreement under this subsection shall become effective on the same date and in the same manner as an exclusion from participation under the programs under this title becomes effective under section 1128(c).";

(3) in paragraphs (1) and (3) of subsection (c), by striking "an agreement filed under this title by a provider of services has been terminated by the Secretary" and inserting "the Secretary has terminated or has refused to renew an agreement under this title with a provider of services";

(4) by inserting "or nonrenewal" in subsection (c) after "termination" each place it appears; and

(5) by adding at the end the following new subsection:

"(b)(1) Except as provided in paragraph (2), an institution or agency dissatisfied with a determination by the Secretary that it is not a provider of services or with a determination described in subsection (b)(2) shall be entitled to a hearing thereon by the Secretary (after reasonable notice) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). 101 STAT. 694 42 USC 405

"(2) An institution or agency is not entitled to separate notice and opportunity for a hearing under both section 1128 and this section with respect to a determination or determinations based on the same underlying facts and issues.". *Ante*, p. 680

(e) CONFORMING AMENDMENT.—Section 1869 (42 U.S.C. 1395ff) is amended by striking subsection (c).

(f) MEDICAID PLAN REVISIONS.—Section 1902(a) (42 U.S.C. 1396b(a)) is amended— 42 USC 1396a; *ante*, pp. 689, 691

(1) in paragraph (23), by inserting "subsection (g) and in" after "except as provided in",

(2) in paragraph (38), by striking "respectively, (A)" and all that follows up to the semicolon at the end and inserting "the information described in section 1128(b)(9)", and

(3) in paragraph (39)—

(A) by striking "bar" and inserting "exclude",

(B) by striking "person" and inserting "individual or entity" each place it appears, and

(C) by inserting "or section 1128A" after "section 1128".

(g) DENIAL OF FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID.—Paragraph (2) of section 1903(i) (42 U.S.C. 1396b(i)) is amended to read as follows:

"(2) with respect to any amount expended for an item or service (other than an emergency item or service) furnished—

"(A) under the plan by any individual or entity during any period when the individual or entity is excluded from participation in the State plan under this title pursuant to section 1128 or section 1128A, or *Ante*, p. 689

"(B) at the medical direction or on the prescription of a physician, during the period when such physician is excluded pursuant to section 1128 or section 1128A from participation in the program under this title and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person).".

(h) MEDICAID CONFORMING AMENDMENTS.—(1) Subsection (n) of section 1903 (42 U.S.C. 1396b) is repealed.

(2) Paragraph (2) of section 1915(a) (42 U.S.C. 1396n(a)) is amended to read as follows:

"(2) Restricts for a reasonable period of time the provider or providers from which an individual (eligible for medical assistance

for items or services under the State plan) can receive such items or services, if—

"(A) the State has found, after notice and opportunity for a hearing (in accordance with procedures established by the State), that the individual has utilized such items or services at a frequency or amount not medically necessary (as determined in accordance with utilization guidelines established by the State), and

"(B) under such restriction, individuals eligible for medical assistance for such services have reasonable access (taking into account geographic location and reasonable travel time) to such services of adequate quality.".

101 STAT. 695

(i) TITLE XX.—Section 2005(a) (42 U.S.C. 1397d(a)) is amended—

(1) by striking "or" at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting "; or", and

(3) by adding at the end thereof the following new paragraph:

"(9) for payment for any item or service (other than an emergency item or service) furnished—

"(A) by an individual or entity during the period when such individual or entity is excluded pursuant to section 1128 or section 1128A from participation in the program under this title, or

Ante, pp. 680, 689

"(B) at the medical direction or on the prescription of a physician during the period when the physician is excluded pursuant to section 1128 or section 1128A from participation in the program under this title and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person).".

(j) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION TO MANUFACTURE, DISTRIBUTE, OR DISPENSE A CONTROLLED SUBSTANCE FOR ENTITIES EXCLUDED FROM THE MEDICARE PROGRAM.—Section 304(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended—

(1) by striking "or" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting "; or", and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) has been excluded (or directed to be excluded) from participation in a program pursuant to section 1128(a) of the Social Security Act.".

SEC. 9. CLARIFICATION OF MEDICAID MORATORIUM PROVISIONS OF DEFICIT REDUCTION ACT OF 1984.

State and local governments. 42 USC 1396a note.

Section 2373(c) of the Deficit Reduction Act of 1984 (Public Law 98-369; 98 Stat. 1112) is amended to read as follows:

"(c)(1) The Secretary of Health and Human Services shall not take any compliance, disallowance, penalty, or other regulatory action against a State with respect to the moratorium period described in paragraph (2) by reason of such State's plan described in paragraph (5) under title XIX of the Social Security Act (including any part of the plan operating pursuant to section 1902(f) of such Act), or the operation thereunder, being determined to be in violation of clause (IV), (V), or (VI) of section 1902(a)(10)(A)(ii) or section 1902(a)(10)(C)(i)(III) of such Act on account of such plan's (or its operation) having a standard or methodology which the Secretary interprets as being less restrictive than the standard or methodology required under such section, provided that such plan (or its operation) does not make ineligible any individual who would be eligible but for the provisions of this subsection.

42 USC 1396
42 USC 1396a

"(2) The moratorium period is the period beginning on October 1, 1981, and ending 18 months after the date on which the Secretary submits the report required under paragraph (3).

"(3) The Secretary shall report to the Congress within 12 months after the date of the enactment of this Act with respect to the appropriateness, and impact on States and recipients of medical assistance, of applying standards and methodologies utilized in cash assistance programs to those recipients of medical assistance who do not receive cash assistance, and any recommendations for changes in such requirements. Reports.

"(4) No provision of law shall repeal or suspend the moratorium imposed by this subsection unless such provision specifically amends or repeals this subsection.

"(5) In this subsection, a State plan is considered to include—

"(A) any amendment or other change in the plan which is submitted by a State, or

"(B) any policy or guideline delineated in the Medicaid operation or program manuals of the State which are submitted by the State to the Secretary,

whether before or after the date of enactment of this Act and whether or not the amendment or change, or the operating or program manual was approved, disapproved, acted upon, or not acted upon by the Secretary.

"(6) During the moratorium period, the Secretary shall implement (and shall not change by any administrative action) the policy in effect at the beginning of such moratorium period with respect to—

"(A) the point in time at which an institutionalized individual must sell his home (in order that it not be counted as a resource); and

"(B) the time period allowed for sale of a home of any such individual,

who is an applicant for or recipient of medical assistance under the State plan as a medically needy individual (described in section 1902(a)(10)(C) of the Social Security Act) or as an optional categorically needy individual (described in section 1902(a)(10)(A)(ii) of such Act).". *Ante*, pp. 689, 694.

SEC. 10. LIMITATION OF LIABILITY OF MEDICARE BENEFICIARIES WITH RESPECT TO SERVICES FURNISHED BY EXCLUDED INDIVIDUALS AND ENTITIES.

Title XVIII is amended by adding at the end the following new section:

"LIMITATION OF LIABILITY OF BENEFICIARIES WITH RESPECT TO SERVICES FURNISHED BY EXCLUDED INDIVIDUALS AND ENTITIES

"SEC. 1890. Where an individual eligible for benefits under this title submits a claim for payment for items or services furnished by an individual or entity excluded from participation in the programs under this title, pursuant to section 1128, 1128A, 1156, 1160 (as in effect on September 2, 1982), 1862(d) (as in effect on the date of the enactment of the Medicare and Medicaid Patient and Program Protection Act of 1987), or 1866, and such beneficiary did not know or have reason to know that such individual or entity was so excluded, then, to the extent permitted by this title, and notwithstanding such exclusion, payment shall be made for such items or services. In each such case the Secretary shall notify the beneficiary of the exclusion of the individual or entity furnishing the items or services. Payment shall not be made for items or services furnished by an excluded individual or entity to a beneficiary after a reasonable time (as determined by the Secretary in regulations) after the Secretary has notified the beneficiary of the exclusion of that individual or entity.". Claims. 42 USC 1395aaa. *Ante*, pp. 680, 689; 42 USC 1320c-5. 42 USC 1320c-9. *Ante*, pp. 692, 693.

SEC. 11. DEFINITION OF PERSON WITH OWNERSHIP OR CONTROL INTEREST.

Section 1124(a)(3)(A)(ii) (42 U.S.C. 1320a-3(a)(3)(A)(ii)) is amended by striking "$25,000 or".

SEC. 12. CONDITIONAL APPROVAL OF RENAL DIALYSIS FACILITIES.

Section 1881 (42 U.S.C. 1395rr) is amended by adding at the end the following new subsection:

"(h)(1) In any case where the Secretary—

"(A) finds that a renal dialysis facility is not in substantial compliance with requirements for such facilities prescribed under subsection (b)(1)(A),

"(B) finds that the facility's deficiencies do not immediately jeopardize the health and safety of patients, and

"(C) has given the facility a reasonable opportunity to correct its deficiencies,

the Secretary may, in lieu of terminating approval of the facility, determine that payment under this title shall be made to the facility only for services furnished to individuals who were patients of the facility before the effective date of the notice.

"(2) The Secretary's decision to restrict payments under this subsection shall be made effective only after such notice to the public and to the facility as may be prescribed in regulations, and shall remain in effect until (A) the Secretary finds that the facility is in substantial compliance with the requirements under subsection (b)(1)(A), or (B) the Secretary terminates the agreement under this title with the facility.

"(3) A facility dissatisfied with a determination by the Secretary under paragraph (1) shall be entitled to a hearing thereon by the Secretary (after reasonable notice) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).".

42 USC 405.

SEC. 13. AMENDMENT RELATING TO FRAUD INVOLVING MEDICARE SUPPLEMENTAL INSURANCE.

Section 1882(d)(1) (42 U.S.C. 1395ss(d)(1)) is amended by striking "knowingly or willfully" and inserting "knowingly and willfully".

SEC. 14. STANDARDS FOR ANTI-KICKBACK PROVISIONS.

42 USC 1320a-7b note.

(a) REGULATIONS.—The Secretary of Health and Human Services, in consultation with the Attorney General, not later than 1 year after the date of the enactment of this Act shall publish proposed regulations, and not later than 2 years after the date of the enactment of this Act shall promulgate final regulations, specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act. Any practices specified in regulations pursuant to the preceding sentence shall be in addition to the practices described in subparagraphs (A) through (C) of section 1128B(b)(3).

Ante, p. 689.

Ante, p. 680.

42 USC 1320a-7b.

(b) CRIMINAL VIOLATION.—Section 1128B(b)(3), as amended and redesignated by section 4 of this Act, is further amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting "; and", and

(3) by adding at the end thereof the following new subparagraph:

101 STAT. 698

"(D) any payment practice specified by the Secretary in regulations promulgated pursuant to section 14(a) of the Medicare and Medicaid Patient and Program Protection Act of 1987.".

42 USC 1320a-7 note.

SEC. 15. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b), (c), (d), and (e), the amendments made by this Act shall become effective at the end of the fourteen-day period beginning on the date of the enactment of this Act and shall not apply to administrative proceedings commenced before the end of such period.

(b) MANDATORY MINIMUM EXCLUSIONS APPLY PROSPECTIVELY.—Section 1128(c)(3)(B) of the Social Security Act (as amended by this Act), which requires an exclusion of not less than five years in the

Ante, p. 680.

case of certain exclusions, shall not apply to exclusions based on convictions occurring before the date of the enactment of this Act.

(c) EFFECTIVE DATE FOR CHANGES IN MEDICAID LAW.—(1) The amendments made by sections 5 and 8(f) apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning more than thirty days after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendment have been published by such date. 42 USC 1396.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. State and local governments.

(3) Subsection (j) of section 1128A of the Social Security Act (as added by section 3(f) of this Act) takes effect on the date of the enactment of this Act.

(d) PHYSICIAN MISREPRESENTATIONS.—Clauses (ii) and (iii) of section 1128A(a)(1)(C) of the Social Security Act, as amended by section 3(a)(1) of this Act, apply to claims presented for services performed on or after the effective date specified in subsection (a), without regard to the date the misrepresentation of fact was made. Claims.

(e) CLARIFICATION OF MEDICAID MORATORIUM.—The amendments made by section 9 of this Act shall apply as though they were originally included in the enactment of section 2373(c) of the Deficit Reduction Act of 1984. *Ante*, p. 695.

101 STAT. 699

(f) TREATMENT OF CERTAIN DENIALS OF PAYMENT.—For purposes of section 1128(b)(8)(B)(iii) of the Social Security Act (as amended by section 2 of this Act), a person shall be considered to have been excluded from participation under a program under title XVIII if payment to the person has been denied under section 1862(d) of the Social Security Act, as in effect before the effective date specified in subsection (a). 42 USC 1395. *Ante*, p. 692.

Approved August 18, 1987.

LEGISLATIVE HISTORY—H.R. 1444 (S. 661):

HOUSE REPORTS: No. 100-85, Pt. 1 (Comm. on Energy and Commerce) and Pt. 2 (Comm. on Ways and Means).
SENATE REPORTS: No. 100-109 accompanying S. 661 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 133 (1987):
June 1, 2, considered and passed House.
July 23, considered and passed Senate, amended, in lieu of S. 661.
July 30, House concurred in Senate amendment.

101 STAT. 713

Public Law 100-97
100th Congress

An Act

Aug. 18, 1987
[S. 769]

To provide grants to support excellence in minority health professions education.

Excellence in Minority Health Education and Care Act.
42 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excellence in Minority Health Education and Care Act".

FINDINGS AND PURPOSES

42 USC 295g-8a note.

SEC. 2. (a) The Congress makes the following findings:

(1) Minority health care needs are currently greater than the health care needs of the general population.

(2) While the number of health professionals has increased, there are still shortages of health professionals from minority groups and there has been a drop in the enrollment of minority individuals in some health professions education programs.

(3) Health professionals from minority groups have critical roles in serving low-income minority populations, particularly in inner-city areas and rural areas.

(4) Historically, minority schools have developed a special capacity to conduct activities to prepare health professionals to serve minority populations.

(5) Health professions schools which train a disproportionate number of minority students also provide a disproportionate amount of health care services to minority populations.

(6) A disproportionate number of minority students trained at the schools described in paragraph (5) choose to practice in underserved areas.

(7) In the United States—

(A) there are only 4 schools of medicine, 2 schools of dentistry, and 4 schools of pharmacy which focus predominantly on minority health professions education, and 40 percent of black physicians, 50 percent of all black dentists, and 25 percent of all black pharmacists have trained at one of those schools; and

(B) there is only 1 school of veterinary medicine which focuses predominantly on the training of minority students, and that school has trained 75 percent of all black veterinarians.

(b) The purposes of this Act are to—

(1) strengthen the national capacity to train minority students in the health professions; and

(2) support the health professions schools which have trained a significant number of the Nation's minority health professionals and enable those schools to supply health professionals to serve minority populations in underserved areas.

ASSISTANCE

SEC. 3. Part F of title VII of the Public Health Service Act is amended by inserting before section 788B the following new section:

"GRANTS FOR MINORITY EDUCATION

Schools and colleges.
42 USC 295g-8a.

"SEC. 788A. (a) The Secretary shall make grants to health professions schools to assist such schools in supporting programs of excellence in health professions education for minority individuals. A grant under this section shall be used by a health professions school to—

101 STAT. 714

"(1) develop a plan to achieve institutional improvements, including financial independence, to enable such school to support programs of excellence in health professions education for minority individuals;

"(2) improve the capacity of such school to recruit and retain faculty;

"(3) provide improved access to the library and information resources of such school; Libraries

"(4) establish, strengthen, or expand programs to enhance the academic performance of students in such school;

"(5) establish, strengthen, or expand programs to increase the number and quality of applicants for admission to such school; and

"(6) develop curricula and carry out faculty training programs in order to enable such school to become, for the Nation's health care providers, a resource with respect to the health problems of minority communities, such as higher infant mortality rates and higher incidences of acquired immunodeficiency syndrome.

"(b) No grant may be made under this section unless an application therefor has been submitted to the Secretary at such time, in such form, and containing such information, as the Secretary may by regulation prescribe.

"(c) In order to be eligible for a grant under this section, a health professions school must—

"(1) be a school described in section 701(4); and 42 USC 292a.

"(2) have received a contract under section 788B for fiscal year 1987. Contracts. 42 USC 295g-8b.

"(d) To carry out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.". Appropriation authorization.

Approved August 18, 1987.

LEGISLATIVE HISTORY—S. 769:

SENATE REPORTS: No. 100-110 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 21, considered and passed Senate.
Aug. 4, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Aug. 18, Presidential statement.

Public Law 100-117
100th Congress

101 STAT. 751

An Act

To extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuse and neglect assistance.

Sept. 28, 1987
[S. 1596]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

QUALIFICATIONS FOR CHILD ABUSE AND NEGLECT ASSISTANCE

SECTION 1. Clause (i) of section 4(b)(3)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5103(b)(3)(A)(i)) is amended by inserting before "or" at the end thereof the following: "and for a third one-year period if the Secretary makes an additional finding that such State is making substantial progress to achieve such compliance,".

Approved September 28, 1987.

LEGISLATIVE HISTORY—S. 1596:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Aug. 5, considered and passed Senate.
Sept. 16, considered and passed House.

101 STAT. 830 Public Law 100-140
100th Congress

An Act

Oct. 26, 1987
[S. 1666]

To amend title 5, United States Code, to provide for the extension of physicians comparability allowances and to amend title 37, United States Code, to provide for special pay for psychologists in the commissioned corps of the Public Health Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS.

(a) PHYSICIANS COMPARABILITY ALLOWANCES.—Section 5948(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out "$7,000" and inserting in lieu thereof "$14,000";

(2) in paragraph (2) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(3) by adding at the end thereof (after and below paragraph (2)) the following:

"For the purpose of determining length of service as a Government physician, service as a physician under section 4104 or 4114 of title 38 or active service as a medical officer in the commissioned corps of the Public Health Service under Title II of the Public Health Service Act (42 U.S.C. ch. 6A) shall be deemed service as a Government physician."

(b) EXTENSION OF AUTHORITY.—The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1990, nor shall any agreement cover a period of service extending beyond September 30, 1992.".

SEC. 2. SPECIAL PAY FOR PSYCHOLOGISTS IN THE PUBLIC HEALTH SERVICE CORPS.

(a) SPECIAL PAY.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302b the following new section:

37 USC 302c.

"§ 302c. Special pay: psychologists in the Public Health Service Corps

"(a) A member who is—

"(1) an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a psychologist; and

"(2) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology,

is entitled to special pay, as provided in subsection (b).

"(b) The rate of special pay to which an officer is entitled pursuant to subsection (a) shall be—

"(1) $2,000 per year, if the officer has less than 10 years of creditable service;

"(2) $2,500 per year, if the officer has at least 10 but less than 12 years of creditable service;

101 STAT. 831

"(3) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service;

"(4) $4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

"(5) $5,000 per year, if the officer has 18 or more years of creditable service.".

(b) CONFORMING AMENDMENTS.—(1) Section 303a of title 37, United States Code, is amended by inserting "302c," after "302b," each place it appears.

(2) The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 302b the following new item:

"302c. Special pay: psychologists in the Public Health Service Corps.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1987 or on the date of the enactment of this Act, whichever is later, and shall apply with respect to pay periods beginning on or after that effective date. 37 USC 302c note.

Approved October 26, 1987.

LEGISLATIVE HISTORY—S. 1666:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Sept. 16, considered and passed Senate.
Oct. 13, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Oct. 28, Presidential statement.

Public Law 100-146
100th Congress

101 STAT. 840

An Act

To amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the programs established in such Act, and for other purposes.

Oct. 29, 1987
[S. 1417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987.
Health and medical care.
Handicapped persons.
42 USC 6000 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987".

REFERENCE

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Developmental Disabilities Assistance and Bill of Rights Act.

TITLE I—GENERAL PROVISIONS

FINDINGS AND PURPOSES

SEC. 101. Section 101 is amended to read as follows: 42 USC 6000.

"FINDINGS AND PURPOSES

"SEC. 101. (a) The Congress finds that—

"(1) there are more than two million persons with developmental disabilities in the United States;

"(2) persons whose disabilities occur during their developmental period frequently have severe disabilities which are likely to continue indefinitely;

"(3) notwithstanding their severe disabilities, these persons have capabilities, competencies, and personal needs and preferences;

"(4) family and members of the community can play a central role in enhancing the lives of persons with developmental disabilities, especially when the family is provided with necessary support services;

"(5) persons with developmental disabilities and their families often require specialized lifelong assistance to be provided in a coordinated manner by many agencies and others in order to eliminate barriers for such persons and to meet the needs of such persons;

"(6) generic service agencies and agencies providing specialized services to persons with disabilities sometimes overlook, inappropriately address the needs of, or exclude persons with developmental disabilities in their planning and delivery of services;

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"(7) public and private employers tend to be unaware of the capability of persons with developmental disabilities to be engaged in competitive work in integrated settings; and

"(8) it is in the national interest to offer persons with developmental disabilities the opportunity, to the maximum extent feasible, to make decisions for themselves and to live in typical homes and communities where they can exercise their full rights and responsibilities as citizens.

State and local governments.

"(b) The purposes of this title are—

"(1) to provide assistance to States and public and private nonprofit agencies and organizations to assure that all persons with developmental disabilities receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence, productivity, and integration into the community;

"(2) to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential; and

Grants.

"(3) to make grants to support a system in each State to protect the legal and human rights of persons with developmental disabilities.".

DEFINITIONS

42 USC 6001.

SEC. 102. Section 102 is amended—

(1) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) The term 'nonprofit' means an agency, institution, or organization that is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private share holder or individual.";

(2) by redesignating paragraph (4) as paragraph (3);

(3) by striking out paragraph (5);

(4) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (4), (5), (6), and (7), respectively;

(5) by redesignating paragraph (10) as paragraph (8), and in such paragraph, by striking out "nonhandicapped" each place it appears and inserting in lieu thereof "nondisabled";

(6) by striking out paragraph (11);

(7) by redesignating paragraphs (12), (13), (14), and (15) as paragraphs (17), (18), (19), and (20), respectively;

(8) by inserting after paragraph (8) (as redesignated by paragraph (5) of this section) the following new paragraphs:

"(9) The term 'priority area activities' includes, with respect to Federal priority areas or a State priority area—

"(A) activities to increase the capacities and resources of public and private nonprofit entities and others to develop a system for providing specialized services or special adaptations of generic services or other assistance which responds to the needs and capabilities of persons with developmental disabilities and their families and to enhance coordination among entities;

"(B) the—

"(i) conduct of studies and analyses;

"(ii) gathering of information;

"(iii) development of model policies, and procedures; and 101 STAT. 842

"(iv) presentation of information, models, findings, conclusions, and recommendations to policymakers,

in order to enhance opportunities for persons with developmental disabilities, including the enhancement of a system for providing or making available specialized services or special adaptations of generic services for persons with developmental disabilities and the families of such persons;

"(C) the demonstration of new ways to enhance the independence, productivity, and integration into the community of persons with developmental disabilities, such as model demonstrations which, if successful, will be made generally applicable through sources of funding other than funding under this title, including new ways to enhance specialized services or special adaptations of generic services for persons with developmental disabilities and the families of such persons;

"(D) outreach activities for persons with developmental disabilities to enable such persons to obtain assistance in Federal priority areas or a State priority area, including access to specialized services or special adaptations of generic services for persons with developmental disabilities and the families of such persons;

"(E) the training of persons with developmental disabilities, family members of such persons, and personnel, including professionals, paraprofessionals, students, and volunteers, to obtain access to, or to provide, services and other assistance in the area, including specialized services or special adaptations of generic services for persons with developmental disabilities and the families of such persons; and

"(F) similar activities designed to prevent developmental disabilities from occurring or to expand and enhance the independence, productivity and integration into the community of persons with developmental disabilities through the State on a comprehensive basis.

"(10) The term 'Federal priority areas' means community living activities, employment activities, child development activities, and case management activities.

"(11) The term 'State priority area' means priority area activities in an area considered essential by the State Planning Council.

"(12) The term 'community living activities' means such priority area activities as will assist persons with developmental disabilities in developing or maintaining suitable residential arrangements and supports in the community (including nonfinancial supports and family support services).

"(13) The term 'employment activities' means such priority area activities as will increase the independence, productivity, or integration of a person with developmental disabilities in work settings.

"(14) The term 'supported employment' means competitive work in integrated work settings—

"(A) for persons with developmental disabilities for whom competitive employment has not traditionally occurred; or 101 STAT. 843

"(B) for persons for whom competitive employment has been interrupted or intermittent as a result of a developmental disability, and who because of their disability need on-going support services to perform such work.

"(15) The term 'child development activities' means such priority area activities as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services.

"(16) The term 'case management activities' means priority area activities to establish a potentially life-long, goal-oriented process for coordinating the range of assistance needed by persons with developmental disabilities and their families, which is designed to ensure accessibility, continuity of supports and services, and accountability and to ensure that the maximum potential of persons with developmental disabilities for independence, productivity, and integration into the community is attained.";

(9) by striking out "facility or facilities" in subparagraph (A)(ii) of paragraph (17) (as redesignated by paragraph (7) of this section) and inserting in lieu thereof "program or programs";

(10) by striking out "facilities" each place it appears in paragraph (17) (as redesignated by paragraph (7) of this section) and inserting in lieu thereof "programs";

(11) by striking out "paragraph (13)" in subparagraph (A)(iii) of paragraph (17) (as redesignated by paragraph (7) of this section) and inserting in lieu thereof "paragraph (18)";

(12) by striking out "facility" the first place it appears in paragraph (18) (as redesignated by paragraph (7) of this section) and inserting in lieu thereof "program";

(13) by striking out "public or nonprofit facility" in paragraph (18) (as redesignated by paragraph (7) of this section) and inserting in lieu thereof "program operated by a public or nonprofit private entity";

(14) by inserting ", including parents of persons with developmental disabilities, professionals, paraprofessionals, students, and volunteers," before "which is" in subparagraph (A) of paragraph (18) (as redesignated by paragraph (7) of this section);

(15) by striking out "the facility" in paragraph (18) (as redesignated by paragraph (7) of this section) and inserting in lieu thereof "a facility"; and

(16) by adding at the end thereof the following new paragraphs:

"(21) The term 'family support services' means services designed to—

"(A) strengthen the family's role as primary caregivers;

"(B) prevent inappropriate out-of-the-home placement and maintain family unity; and

"(C) reunite families with members who have been placed out of the home.

Such term includes respite care, personal care, parent training and counseling, support for elderly parents, and other individualized services.

"(22) The term 'assistive technology' means the systematic application of technology, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, persons with developmental disabilities in areas including education, employment, supported employment, transportation, and independent living and other community living arrangements.

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"(23) The term 'early intervention services' means services provided to infants, toddlers, young children, and the families of such to—

"(A) identify, assess, and treat developmental disabilities at the earliest possible time to prevent more serious disability;

"(B) ensure the maximum growth and development of a person within the above classes who has a developmental disability; and

"(C) assist families in raising a child with a developmental disability.".

REPORTS

SEC. 103. (a) Section 107(a) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(4) a description of the State Planning Council's response to significant actions taken by the State with respect to each annual survey report and plan of corrections for cited deficiencies prepared pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State; and

"(5) a description of the progress made in the State in, and any identifiable trends concerning, the setting of priorities for, policy reform concerning, and advocacy for, persons with developmental disabilities which are attributable to physical impairment, mental impairment, or a combination of physical and mental impairments, including any other subpopulation of persons with developmental disabilities (including minorities) that the State Planning Council may identify under sections 122(b)(3) and 122(f).".

(b) Section 107(c)(1) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(C) the progress made by States in, and any identifiable trends concerning, the setting of priorities for, policy reform concerning, and advocacy for, persons with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments, including any other subpopulation of persons with developmental disabilities (including minorities) that the State Planning Council may identify under sections 122(b)(3) and 122(f);

"(D) the significant Federal policies that impact on the ability of States to address the needs of persons with developmental disabilities attributable to physical impairments, mental impairments, or a combination of mental and physical impairments; and

"(E) the number of meetings held by the interagency committee established under section 108(b) during the period for which the report is made, which agencies were represented at each such meeting, and the accomplishments of the interagency committee in comparison to the goals and objectives of such committee.".

State and local governments.
42 USC 6006.

Minorities.

Minorities.

101 STAT. 845

TITLE II—STATE ASSISTANCE PROGRAM

PURPOSE

SEC. 201. (a) Section 121 is amended to read as follows:

42 USC 6021.

"PURPOSE

"SEC. 121. The purpose of this part is to provide payments to States to assist in the development of a comprehensive system and a coordinated array of services and other assistance for persons with developmental disabilities through the conduct of, and appropriate planning and coordination of, administrative activities, Federal priority activities, and a State priority activity, in order to support persons with developmental disabilities to achieve their maximum potential through increased independence, productivity, and integration into the community.".

(b) The heading for part B is amended by striking out "AND SERVICE" and inserting in lieu thereof "PRIORITY AREA".

42 USC prec. 6021.

STATE PLAN REQUIREMENTS

42 USC 6022

SEC. 202. (a) Section 122(b) is amended by striking out "for the provision of services for persons with developmental disabilities" in the matter preceding paragraph (1).

(b)(1)(A) Section 122(b)(1) is amended—

(i) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The plan must provide for the establishment of a State Planning Council in accordance with section 124.";

(ii) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) The plan must designate the State agency which shall administer or supervise the administration of the State plan (hereafter in this part referred to as the 'designated State agency'). Except as provided in subsection (e), the designated State agency may be—

"(i) the State Planning Council required under subparagraph (A) if such Council may be the designated State agency under the laws of the State;

"(ii) a State agency that does not provide or pay for services made available to persons with developmental disabilities; or

"(iii) a State office, including the immediate office of the Governor of the State or a State planning office."; and

(iii) by striking out "each" in subparagraph (C) and inserting in lieu thereof "the".

(B) Section 122 is amended by adding at the end thereof the following new subsection:

"(e)(1) If a State agency that provides or pays for services for persons with developmental disabilities was a designated State agency for purposes of this part on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 and the Governor of the State determines, before June 30, 1988, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this part.

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"(2) The determination of the Governor of a State under paragraph (1) shall be at the discretion of the Governor and shall be made by the Governor after the Governor has considered the comments of the general public and the non-State agency members of the State Planning Council with respect to the designation of such State agency, and after the Governor has made an independent assessment of the impact that the designation of such agency has on the ability of the State Planning Council to serve as an advocate for persons with developmental disabilities.

"(3) If the Governor of a State determines not to retain the designation of a State agency in effect on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, the Governor shall, by October 1, 1990, designate another agency as the State agency in accordance with the requirements of subsection (b)(1)(B).

"(4) After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, any designation of a State agency shall be made in accordance with the requirements of subsection (b)(1)(B).".

(2) Section 122(b)(2) is amended—

(A) by inserting a comma and "activities," after "programs" in subparagraph (A);

(B) by striking out clause (i) of subparagraph (C) and inserting in lieu thereof "(i) the extent and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans or federally assisted State programs that the State conducts and in which persons with developmental disabilities are eligible to participate, including programs relating to education, job training, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, aging, programs for children

with special health care needs, housing, comprehensive health and mental health, and such other plans as the Secretary may specify, and"; and

(C) by striking out "priority services being or to be provided" in subparagraph (D) and inserting in lieu thereof "Federal and State priority areas which are addressed or which will be addressed".

(3) Section 122 (as amended by paragraph (1)(B) of this subsection) is further amended—

(A) by redesignating paragraphs (3) through (7) of subsection (b) as paragraphs (4) through (8), respectively;

(B) by inserting after paragraph (2) of such subsection the following new paragraph:

"(3) The plan must describe a process and timetable for the completion, by January 1, 1990, by the State Planning Council in the State, of the reviews, analyses, and final report described in subsection (f)."; and

(C) by adding at the end thereof the following new subsection:

"(f)(1) Each State Planning Council shall conduct a comprehensive review and analysis of the eligibility for services provided, and the extent, scope, and effectiveness of, services provided and functions performed by, all State agencies (including agencies which provide public assistance) which affect or which potentially affect the ability of persons with developmental disabilities to achieve the goals of 101 STAT. 847 independence, productivity, and integration into the community, including persons with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

"(2) Each State Planning Council shall conduct a review and analysis of the effectiveness of, and consumer satisfaction with, the functions performed by, and services provided or paid for from Federal and State funds by each of the State agencies (including agencies providing public assistance) responsible for performing functions for, and providing services to, all persons with developmental disabilities in the State. Such review and analysis shall be based upon a survey of a representative sample of persons with developmental disabilities receiving services from each such agency, and if appropriate, shall include their families.

"(3) Each State Planning Council shall convene public forums, after the provision of notice within the State, in order to—

"(A) present the findings of the reviews and analyses prepared under paragraphs (1) and (2);

"(B) obtain comments from all interested persons in the State regarding the unserved and underserved populations of persons with developmental disabilities which result from physical impairment, mental impairment, or a combination of physical and mental impairments; and

"(C) obtain comments on any proposed recommendations concerning the removal of barriers to services for persons with developmental disabilities and to connect such services to existing State agencies by recommending the designation of one or more State agencies, as appropriate, to be responsible for the provision and coordination of such services.

"(4) By January 1, 1990, each State Planning Council shall prepare and transmit to the Governor of the State and the legislature of the State a final written report concerning the review and analyses conducted under paragraphs (1) and (2). The report shall contain recommendations by the State Planning Council concerning— Reports.

"(A) the most appropriate agency or agencies of the State to be designated as responsible for the provision and coordination of services for persons with developmental disabilities who are traditionally underserved, such as persons with developmental disabilities attributable to physical impairment, persons with developmental disabilities attributable to dual mental impairments, and persons with developmental disabilities attributable

to a combination of physical and mental impairments, and such other subpopulations of persons with developmental disabilities (including minorities) as the State Planning Council may identify; and

"(B) the steps to be taken to include the data and recommendations obtained through the conduct of the reviews and analyses under paragraphs (1) and (2) in the State Planning Council's ongoing advocacy, public policy, and model service demonstration activities.

Reports.

"(5) By January 15, 1990, the Governor of each State shall submit to the Secretary a copy of the report required by paragraph (4). By April 1, 1990, the Secretary shall transmit a summary of such reports to the appropriate committees of the Congress.".

(4) Section 122(b)(4) (as redesignated by paragraph (3)(A) of this

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subsection) is amended—

(A) by striking out "strengthening services for" in subparagraph (A) and inserting in lieu thereof "enhancing the independence, productivity, and integration into the community of"; and

(B) by striking out "or agencies" each place it appears in subparagraph (C).

(5) Section 122(b)(5) (as redesignated by paragraph (3)(A) of this subsection) is amended—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The plan must provide for the examination, not less often than once every three years, of the provision, and the need for the provision, in the State of the four Federal priority areas and the State priority area. Such examination shall be made consistent with subparagraph (B).";

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) The plan ~~must~~ provide for the review and revision, not less often than once every three years, of the comprehensive Statewide plan to ensure the existence of appropriate planning, financial support and coordination, and to otherwise appropriately address, on a Statewide and comprehensive basis, urgent needs in the State for the provision of services for persons with developmental disabilities and the families of such persons. Such review and revision, and examination under subparagraph (A), shall take into account the reviews and analyses conducted, and the report prepared, under subsection (f), and shall, at a minimum, include—

"(i) an analysis of such priority areas in relation to limited support or lack of support for persons with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

"(ii) an analysis of criteria for eligibility for services, including specialized services ~~and special~~ adaptation of generic services provided by agencies within the State, that may be causing persons with developmental disabilities to be excluded from receiving such services;

"(iii) an analysis of services, assistive technology, or knowledge which may be unavailable to assist persons with developmental disabilities;

"(iv) an analysis of existing and projected fiscal resources;

"(v) an analysis of any other issues identified by the State Planning Council; and

"(vi) the formulation of objectives in both policy reform and service demonstration to address the issues described in clauses (i) through (v) for all subpopulations of persons with developmental disabilities which may be identified by the State Planning Council.";

(C) by striking out subparagraph (C);

(D) by redesignating subparagraphs (D), (E) and (F) as subparagraphs (C), (D), and (E), respectively;

(E) by striking out "service activities in the priority services" in clause (i) of subparagraph (D) (as redesignated by subparagraph (D) of this paragraph) and inserting in lieu thereof "activities in the Federal priority area of employment activities, and, at the discretion of the State, activities in any or all of the three other Federal priority areas and a State priority area, the conduct of the analyses specified in clauses (i) through (v) of subparagraph (B), and the implementation of paragraph (3) and subsection (f)";

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(F) by striking out "service activities for persons with developmental disabilities, and" in clause (ii) of such subparagraph;

(G) by inserting "priority area activities for" after "administration of" in such clause; and

(H) by striking out "the provision of such services" in such clause and inserting in lieu thereof "persons with developmental disabilities".

(6) Section 122(b)(6) (as redesignated by paragraph (3)(A) of this subsection) is amended—

(A) by striking out "services furnished" in clause (i) of subparagraph (A) and inserting in lieu thereof "programs";

(B) by striking out "furnished" in such clause and inserting in lieu thereof "operated"; and

(C) by striking out "delivery of services" in clause (ii) of such subparagraph and inserting in lieu thereof "programs".

(7) Section 122(b)(7)(B) (as redesignated by paragraph (3)(A) of this subsection) is amended by striking out "alternative community living arrangement services" and inserting in lieu thereof "community living activities".

HABILITATION PLANS

SEC. 203. Section 123(b) is amended— 42 USC 6023.

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The plan shall be developed jointly by (A) the person for whom the plan is established, (B) where appropriate, such person's parent or guardian or other representative, and (C) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established."; and

(2) by striking out "program coordinator who will be responsible for" in paragraph (3)(C) and inserting in lieu thereof "case manager who will be responsible for coordinating".

STATE PLANNING COUNCILS

SEC. 204. Section 124 is amended— 42 USC 6024.

(1) by redesignating subsection (b) as subsection (d) and, in paragraph (1) of such subsection—

(A) by striking out "or agencies"; and

(B) by striking out ", including the specification of services under section 122(b)(4)(B)" and inserting in lieu thereof the following: "including the specifications of Federal and State priority area activities under section 122(b)(5)(D)(i)"; and

(2) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for all persons with developmental disabilities. Establishment.

"(b)(1) The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State.

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"(2) The Governor of each State shall make appropriate provisions for the rotation of membership on the State Planning Council.

Education.

"(3) Each State Planning Council shall at all times include in its membership representatives of the principal State agencies (including the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds provided under the Education of the Handicapped Act, the State agency that administers funds provided under the Older Americans Act of 1965, and the State agency that administers funds provided under title XIX of the Social Security Act for persons with developmental disabilities), higher education training facilities, each university affiliated program or satellite center in the State, the State protection and advocacy system established under section 142, local agencies, and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities in that State.

"(4) At least one-half of the membership of each State Planning Council shall consist of persons who—

"(A) are persons with developmental disabilities;

"(B) are parents or guardians of such persons; or

"(C) are immediate relatives or guardians of persons with mentally impairing developmental disabilities,

and who are not employees of a State agency which receives funds or provides services under this part, who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity which receives funds or provides services under this part, and who are not persons with an ownership or control interest (within the meaning of section 1124(a)(3) of the Social Security Act) with respect to such an entity.

"(5) Of the members of the State Planning Council described in paragraph (4)—

"(A) at least one-third shall be persons with developmental disabilities; and

"(B)(i) at least one-third shall be individuals described in subparagraph (C) of paragraph (4), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability.

"(c)(1) Each State Planning Council may prepare and approve a budget using amounts paid to the State under this part to hire such staff and obtain the services of such professional, technical, and clerical personnel consistent with State law as the State Planning Council determines to be necessary to carry out its functions under this part.

"(2) The staff and other personnel of a State Planning Council, while working for the State Planning Council, shall be responsible solely for assisting the State Planning Council in carrying out its duties under this part and shall not be assigned duties by the designated State agency or any other agency or office of the State.".

STATE ALLOTMENTS

42 USC 6025.

SEC. 205. (a) Section 125(a) is amended—

(1) by striking out "$100,000" in clause (i) of paragraph (3)(A) and inserting in lieu thereof "$160,000";

(2) by striking out "$250,000" in clause (ii) of such paragraph and inserting in lieu thereof "$300,000";

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(3) by striking out "$47,000,000" in paragraph (4) and inserting in lieu thereof "$60,000,000";

(4) by striking out "$160,000" in subparagraph (A) of such paragraph and inserting in lieu thereof "$200,000";

(5) by striking out "$300,000" in subparagraph (B) of such paragraph and inserting in lieu thereof "$350,000"; and

(6) by adding at the end thereof the following new paragraph:

"(6) In any case in which the total amount appropriated under section 130 for a fiscal year exceeds the total amount appropriated under such section for the preceding fiscal year by a percentage

greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary may increase each of the minimum allotments under paragraphs (3) and (4) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

"(A) the total amount appropriated under section 130 for the fiscal year for which the increase in minimum allotment is being made, minus

"(B) the total amount appropriated under section 130 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 130 for such preceding fiscal year.".

(b) Section 125(b) is amended to read as follows:

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.".

WITHHOLDING

SEC. 207. Section 127(1) is amended by inserting ", particularly sections 122(b)(3) or 122(f)" after "State plan". 42 USC 6027.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. Section 130 is amended to read as follows: 42 USC 6030.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 130. For allotments under section 125, there are authorized to be appropriated $62,200,000 for fiscal year 1988, $69,900,000 for fiscal year 1989, and $77,400,000 for fiscal year 1990.".

TITLE III—PROTECTION AND ADVOCACY

REQUIREMENTS FOR SYSTEM

SEC. 301. (a) Section 142(a)(2) is amended— 42 USC 6042.

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (E), (F), and (G), respectively;

(2) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) have the authority to—

"(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such persons within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of minority groups; and

"(ii) provide information on and referral to programs and services addressing the needs of persons with developmental disabilities;

"(B) have the authority to investigate incidents of abuse and neglect of persons with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

"(C) on an annual basis, provide the public with an opportunity to comment on priorities established by, and activities of, the system;

"(D) establish a grievance procedure for clients or prospective clients of the system to assure that persons with developmental disabilities have full access to services of the system;"; and

Minorities.

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(3) by striking out subparagraph (G) (as redesignated by clause (1) of this subsection) and inserting in lieu thereof the following:

"(G) have access to all records of—

"(i) any person with developmental disabilities who is a client of the system if such person, or the legal guardian, conservator, or other legal representative of such person, has authorized the system to have such access; and

"(ii) any person with developmental disabilities—

"(I) who, by reason of the mental or physical condition of such person, is unable to authorize the system to have such access;

State and local governments.

"(II) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State; and

"(III) with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe that such person has been subject to abuse or neglect;".

(b) Section 142(c) is amended—

(1) by striking out "$11,000,000" in subparagraph (A) of paragraph (1) and inserting in lieu thereof "$20,000,000";

(2) by striking out "$80,000" in clause (i) of such subparagraph and inserting in lieu thereof "$107,000";

(3) by striking out "$150,000" in clause (ii) of such subparagraph and inserting in lieu thereof "$200,000";

(4) by striking out "$11,000,000" in subparagraph (B) of such paragraph and inserting in lieu thereof "$20,000,000";

(5) by striking out "$50,000" in such subparagraph and inserting in lieu thereof "$150,000, and the allotment of each of American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands for such fiscal year shall not be less than $80,000";

(6) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(7) by inserting after paragraph (1) the following new paragraph:

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"(2) In any case in which the total amount appropriated under section 143 for a fiscal year exceeds the total amount appropriated under such section for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973, the Secretary may increase each of the minimum allotments under subparagraphs (A) and (B) of paragraph (1) by an amount which bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph for prior fiscal years) as the amount which is equal to the difference between—

"(A) the total amount appropriated under section 143 for the fiscal year for which the increase in minimum allotment is being made, minus

"(B) the total amount appropriated under section 143 for the immediately preceding fiscal year,

bears to the total amount appropriated under section 143 for such preceding fiscal year.".

(c) Section 142 is further amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) (as amended by subsection (b) of this section) as subsection (b); and

(3) by adding at the end thereof the following new subsection:

"(c) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.".

State and local governments.

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. Section 143 is amended to read as follows: 42 USC 6043.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 143. For allotments under section 142, there are authorized to be appropriated $20,000,000 for fiscal year 1988, $22,000,000 for fiscal year 1989, and $24,200,000 for fiscal year 1990.".

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

Community development.

PURPOSE

SEC. 401. (a) Section 151 is amended— 42 USC 6061.

(1) by striking out "facilities" and inserting in lieu thereof "programs"; and

(2) by striking out "the conduct of service demonstration programs" and inserting in lieu thereof "the demonstration of exemplary services and technical assistance".

(b) The heading for part D is amended by striking out "FACILITIES" and inserting in lieu thereof "PROGRAMS". 42 USC prec. 6061.

GRANT AUTHORITY

SEC. 402. (a) Section 152(a) is amended— 42 USC 6062.

(1) by striking out "section 154" and inserting in lieu thereof "section 154(a)";

(2) by striking out "facilities" and inserting in lieu thereof "programs"; and

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(3) by striking out "section 102(13)" and inserting in lieu thereof "section 102(18)".

(b) Section 152 is further amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsection (c) as subsection (d) and (in such subsection)—

(A) by striking out "The" and inserting in lieu thereof "From amounts appropriated under section 154(a), the";

(B) by inserting "and may compete for grants under subsections (b) and (c)" before the period at the end of the second sentence; and

(C) by striking out "section 102(13)" and inserting in lieu thereof "section 102(18)";

(3) by inserting after subsection (a) the following new subsections: Education.

"(b)(1)(A) From amounts appropriated under section 154(b), the Secretary shall make grants of sufficient size and scope to university affiliated programs receiving grants under subsection (a) to support training projects to train personnel to address the needs of persons with developmental disabilities in areas of emerging national significance, particularly projects to train personnel in the areas of early intervention programs (as described in paragraph (2)), programs for elderly persons with developmental disabilities (as described in paragraph (3)), and community-based service programs (as described in paragraph (4)).

"(B) The Secretary shall make determinations with respect to grants under this subsection based on information relating to present and projected needs for the training of personnel based on identified State, regional, or national shortages of personnel, the capacity of the university affiliated programs to train personnel, and such other information as may be determined necessary and appropriate by the Secretary.

"(C) Grants under this subsection may be used by university affiliated programs to (i) assist in paying the costs of courses of training or study for personnel to provide services for persons with developmental disabilities and (ii) establish fellowships or traineeships providing such stipends and allowances as may be determined by the Secretary.

"(2) Grants under this subsection for training projects with respect to early intervention programs shall be for the purpose of assisting university affiliated programs in providing training to allied health personnel and other personnel who provide, or who will provide, interdisciplinary intervention to infants, toddlers, and preschool age children with developmental disabilities. Such training projects shall include instruction on methods of working and collaborating with professionals and families of persons with developmental disabilities.

"(3) Grants under this subsection for training projects with respect to programs for elderly persons with developmental disabilities shall be for the purpose of supporting the planning, design, and implementation of coordinated interdisciplinary training programs between existing aging or gerontological programs and university affiliated programs in order to prepare professional staff to provide services for elderly persons with developmental disabilities.

"(4) Grants under this subsection for training projects with respect to community-based programs shall be for the purpose of
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providing interdisciplinary training to personnel who will provide direct supports and services for persons with developmental disabilities, including paraprofessionals who are employed or are preparing to be employed in community-based day programs or residential programs for persons with developmental disabilities. The Secretary shall ensure that all grants under this paragraph are made only to university affiliated programs that involve local community-level direct care programs and paraprofessional training programs in the preparation of the application for such grant and shall assure that any training under the university affiliated program will be coordinated with local programs.

"(c) From amounts appropriated under section 154(b), the Secretary may make grants to university affiliated programs receiving grants under subsection (a) to support one or more of the following activities:

"(1) The provision of service-related training to persons with developmental disabilities, family members of such persons, professionals, volunteers, or other personnel to enable such persons, family members, professionals, volunteers, or personnel to provide services to increase or maintain the independence, productivity, and integration into the community of persons with developmental disabilities.

"(2) The conduct of an applied research program designed to produce more efficient and effective methods for (A) the delivery of services to persons with developmental disabilities, and (B) the training of professionals, paraprofessionals, and parents who provide such services."; and

(4) by adding at the end thereof the following new subsection:

"(e) From amounts appropriated under section 154(a), the Secretary may make a grant to a university or a public or nonprofit entity which is associated with, or is an integral part of, a college or university, to study the feasibility of establishing a university affiliated program or a satellite center. Such study shall include an assessment of the needs of the area in which the university is located for such a program or center. The amount of a grant under this subsection may not exceed $35,000 for any fiscal year. A grant under this subsection may only be made in a State in which there is no university affiliated program or satellite center.".

APPLICATIONS

State and local governments.
42 USC 6063.

SEC. 403. (a) Section 153(a) is amended—

(1) by striking out "facilities" in the first sentence and inserting in lieu thereof "programs";

(2) by inserting "all" before "persons with developmental disabilities" in the second sentence; and

(3) by striking out "section 102(13)" in the second sentence and inserting in lieu thereof "section 102(18)".

(b) Section 153(b) is amended—

(1) by striking out "section 152" in the matter preceding paragraph (1) and inserting in lieu thereof "section 152(a)";

(2) by striking out "facility" each place it appears in paragraph (2) and inserting in lieu thereof "program";

(3) by striking out "is making" in clause (i) of subparagraph (B) of such paragraph and inserting in lieu thereof "will make";

(4) by striking out "and" at the end of such subparagraph;

(5) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(6) by adding at the end thereof the following new paragraphs:

"(4) the activities conducted under this part are consistent with, and to the extent feasible, complement and further, the objectives contained in the State plan required under section 122; and

"(5) before the submission of such application, an opportunity for comment has been provided to the general public and the State Planning Council of the State in which the program will be conducted or the satellite center is or will be located.".

(c) Section 153(c) is amended—

(1) by striking out "facility" and inserting in lieu thereof "program"; and

(2) by striking out "section 152" and inserting in lieu thereof "section 152(a)".

(d) Section 153(d) is amended—

(1) by striking out "facility" each place it appears and inserting in lieu thereof "program";

(2) by striking out "section 154" each place it appears and inserting in lieu thereof "section 154(a)";

(3) by striking out "$175,000" in paragraph (1) and inserting in lieu thereof "$200,000";

(4) by striking out "$75,000" in paragraph (1) and inserting in lieu thereof "$150,000"; and

(5) by adding at the end thereof the following new paragraph:

"(3)(A) For purposes of making grants under section 152(a), the Secretary shall consider applications for grants for four university affiliated programs or satellite centers for each of the fiscal years 1988, 1989, and 1990 which are in addition to the total number of university affiliated programs and satellite centers receiving grants under such section for the preceding fiscal year.

"(B) Such programs and centers shall, to the extent feasible, be geographically distributed for the purpose of serving States that are unserved by university affiliated programs and satellite centers under this part on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987.

"(C) The Secretary may not deny an application for a university affiliated program or satellite center solely because of the size of the population proposed to be served by the program or center, if such application proposes to serve the population of an entire State.".

(e) Section 153 (as amended in this section) is further amended by adding at the end thereof the following new subsection: Regulations.

"(e)(1) The Secretary shall by regulation require appropriate technical and qualitative peer review of applications for assistance under this part by peer review groups established under paragraph (4).

"(2) Regulations promulgated under paragraph (1) shall provide that the review of the application required by such paragraph shall be conducted by groups established under paragraph (4) that are composed of non-Federal individuals who, by experience or training, are highly qualified to assess the comparative quality of applications for assistance.

"(3)(A) The Secretary may approve an application under this part only if such application has been recommended by a peer review group that has conducted the peer review required under paragraph (1).

"(B) This paragraph shall apply to the approval of grant applications received for fiscal year 1990 and succeeding fiscal years.

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"(4) The Secretary, acting through the Commissioner of the Administration on Developmental Disabilities, may, notwithstanding—

"(A) the provisions of title 5, United States Code, concerning appointments to the competitive service;

"(B) the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, concerning classification and General Schedule pay rates;

establish such peer review groups as are necessary to carry out this subsection, and appoint and set the rates of pay for members of such groups.

"(5) The Secretary may waive the provisions of paragraph (3) concerning approval of an application if the Secretary determines that exceptional circumstances warrant such a waiver.".

AUTHORIZATION OF APPROPRIATIONS

42 USC 6064.

SEC. 404. Section 154 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 154. (a) For the purpose of grants under subsections (a), (d), and (e) of section 152, there are authorized to be appropriated $9,400,000 for fiscal year 1988, $10,200,000 for fiscal year 1989, and $11,000,000 for fiscal year 1990. Amounts appropriated under this section for a fiscal year shall remain available for obligation and expenditure until the end of the succeeding fiscal year.

"(b) For the purpose of grants under sections 152(b) and 152(c), there are authorized to be appropriated $4,500,000 for fiscal year 1988, $5,000,000 for fiscal year 1989, and $5,500,000 for fiscal year 1990.

"(c) The Secretary may use funds appropriated under subsection (a) for the purposes described in subsection (b).

"(d) Of the amounts appropriated under subsection (b), at least 75 percent shall be used for grants under section 152(b) and the remainder shall be used for grants under section 152(c).".

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

Contracts.

PURPOSE

42 USC 6081.

SEC. 501. (a) Section 161 is amended by striking out "for demonstration projects" and inserting in lieu thereof "and contracts for projects of national significance".

42 USC prec. 6081.

(b) The heading for part E is amended to read as follows:

"PART E—PROJECTS OF NATIONAL SIGNIFICANCE".

GRANT AUTHORITY

42 USC 6082.

SEC. 502. (a) Section 162(a) is amended—

(1) by inserting "and enter into contracts with" after "make grants to" in the matter preceding paragraph (1);

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

Minorities.

"(1) projects of national significance relating to persons with developmental disabilities, including projects to educate policymakers, develop an ongoing data collection system, determine the feasibility and desirability of developing a nationwide information and referral system, and pursue Federal interagency initiatives, and other projects of sufficient size and scope and which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including minority groups, Native Americans, Native Hawaiians, and other underserved groups); and"; and

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(3) by inserting "the advocacy functions of the State Planning Council, the functions performed by university affiliated programs and satellite centers under part D, and" after "otherwise improving" in paragraph (2). State and local governments.

(b) The last sentence of section 162(b) is amended—

(1) by striking out "for each" and inserting in lieu thereof "in such"; and

(2) by striking out "in which an applicant's project will be conducted".

(c) Section 162 is further amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Not later than January 1 of each year, the Secretary shall publish in the Federal Register proposed priorities for grants and contracts under this part and shall allow a period of 60 days for public comments and suggestions concerning such proposed priorities. After analyzing and considering such comments, the Secretary shall publish final priorities for such grants and contracts in the Federal Register.". Federal Register, publication.

AUTHORIZATION OF APPROPRIATIONS

SEC. 503. Section 163 is amended to read as follows: 42 USC 6083.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 163. (a) To carry out this part, there are authorized to be appropriated $3,650,000 for fiscal year 1988, $3,650,000 for fiscal year 1989, and $3,650,000 for fiscal year 1990.

"(b) Of the amounts appropriated under subsection (a) for any fiscal year, $600,000 shall be available for grants and contracts under section 162(a)(1) for not more than three projects to determine the feasibility and desirability of developing a nationwide information and referral system for persons with developmental disabilities. The Secretary shall award grants and contracts under section 162(a)(1) for such projects within 6 months after the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987.". 101 STAT. 859

TITLE VI—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 601. This Act, and the amendments made by this Act, shall become effective on October 1, 1987. 42 USC 6000 note.

Approved October 29, 1987.

LEGISLATIVE HISTORY—S. 1417 (H.R. 1871):

SENATE REPORTS: No. 100-113 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 21, considered and passed Senate.
Aug. 4, H.R. 1871 considered and passed House; S. 1417, amended, passed in lieu.
Sept. 30, Senate concurred in House amendment with amendment.
Oct. 13, House concurred in Senate amendment.

83-000 O—89—vol. 2——23

101 STAT. 926 Public Law 100-175
100th Congress

An Act

Nov. 29, 1987
[H.R. 1451]

To amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Older Americans Act Amendments of 1987.
42 USC 3001 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the "Older Americans Act Amendments of 1987".

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TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

PART A—OBJECTIVES AND ADMINISTRATION

SEC. 101. OBJECTIVES.

Section 101 of the Older Americans Act of 1965 (42 U.S.C. 3001) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "United States and" and inserting "United States,", and

(B) by inserting ", and of Indian tribes" after "subdivisions", Indians.

(2) in paragraph (3) by striking "Suitable" and inserting "Obtaining and maintaining suitable",

(3) in paragraph (7) by striking "Pursuit of" and inserting "Participating in and contributing to", and

(4) in paragraph (10)—

(A) by striking "lives and" and inserting "lives,", and
(B) by inserting ", and protection against abuse, neglect, and exploitation" before the period at the end.

SEC. 102. ESTABLISHMENT OF ADMINISTRATION ON AGING.

Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the third and fourth sentences by striking "the Office of".

SEC. 103. DATA COLLECTION; REPORTS.

(a) COLLECTION REQUIRED.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—
(1) in paragraph (17) by striking "and" at the end,
(2) in paragraph (18) by striking the period at the end and inserting "; and", and
(3) by adding at the end the following:
"(19) collect for each fiscal year, for fiscal years beginning after September 30, 1988, directly or by contract, statistical data regarding programs and activities carried out with funds provided under this Act, including—
"(A) with respect to each type of service provided with such funds—
"(i) the aggregate amount of such funds expended to provide such service;
"(ii) the number of individuals who received such service; and
"(iii) the number of units of such service provided;
"(B) the number of senior centers which received such funds; and
"(C) the extent to which each area agency on aging designated under section 305(a) satisfied the requirements of paragraphs (2) and (5)(A) of section 306(a).".

(b) REPORTS.—The last sentence of section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended to read as follows: "Such annual reports shall include—
"(1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;
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"(2) statistical data collected under section 202(a)(19);
"(3) an analysis of the information received under section 306(b)(2)(D) by the Commissioner; and
State and local governments. Minorities. Handicapped persons.
"(4) statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment).".

(c) REPORT TO CONGRESS ON OMBUDSMAN PROGRAM.—Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by striking subsection (b) and inserting the following:
"(b)(1) Not later than January 15 of each year, the Commissioner shall compile a report—
"(A) summarizing and analyzing the data collected under section 307(a)(12)(C) for the then most recently concluded fiscal year;
"(B) identifying significant problems and issues revealed by such data (with special emphasis on problems relating to quality of care and residents' rights);
State and local governments.
"(C) discussing current issues concerning the long-term care ombudsman programs of the States; and
"(D) making recommendations regarding legislation and administrative actions to resolve such problems.
"(2) The Commissioner shall submit the report required by paragraph (1) to—
"(A) the Select Committee on Aging of the House of Representatives;

"(B) the Special Committee on Aging of the Senate;

"(C) the Committee on Education and Labor of the House of Representatives; and

"(D) the Committee on Labor and Human Resources of the Senate.

"(3) The Commissioner shall provide the report required by paragraph (1), and make the State reports required by section 307(a)(12)(H)(i) available, to—

"(A) the Administrator of the Health Care Finance Administration;

"(B) the Office of the Inspector General of the Department of Health and Human Services;

"(C) the Office of Civil Rights of the Department of Health and Human Services;

"(D) the Administrator of the Veterans' Administration; and

"(E) the public agencies and private organizations designated under section 307(a)(12)(A).".

SEC. 104. VETERANS' PROGRAMS.

(a) CONSULTATION.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) in paragraph (13) by striking "and" at the end,

(2) in paragraph (14) by striking the period at the end and inserting ", and", and

(3) by adding at the end the following:

"(15) parts II and III of title 38, United States Code.".

(b) TECHNICAL ASSISTANCE AND COOPERATION UNDER TITLE III.—Section 301(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)(2)) is amended by inserting ", the Veterans' Administration," after "Office of Community Services". 101 STAT. 930

(c) AREA PLANS.—Section 306(a)(6)(F) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(F)) is amended by inserting "providers of veterans' health care (if appropriate)," after "elected officials,".

(d) TECHNICAL ASSISTANCE AND COOPERATION UNDER TITLE IV.—Section 402(b) of the Older Americans Act of 1965 (42 U.S.C. 3030bb(b)) is amended by inserting "the Veterans' Administration," after "National Institutes of Health,".

SEC. 105. MENTAL HEALTH.

(a) FUNCTIONS OF COMMISSIONER.—Section 202(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(5)) is amended by inserting "(including mental health)" after "health".

(b) FEDERAL AGENCY CONSULTATION.—Section 203(b)(10) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(10)) is amended by inserting ", including block grants under title XIX of such Act" before the comma. Grants

(c) ADMINISTRATION OF TITLE III.—Section 301(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)(2)), as amended by section 104(b), is amended by inserting "the Alcohol, Drug Abuse, and Mental Health Administration," after "Veterans' Administration,".

(d) ADMINISTRATION OF TITLE IV.—Section 402(b) of the Older Americans Act of 1965 (42 U.S.C. 3030bb(b)), as amended by section 104(d), is amended by inserting "Alcohol, Drug Abuse, and Mental Health Administration," after "Veterans' Administration,".

(e) EDUCATION AND TRAINING.—(1) Section 411(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)(1)) is amended by inserting "(including mental health)" after "health".

(2) The first sentence of section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended by inserting "(including mental health)" after "health".

(f) SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.—The second sentence of section 423(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(3)) is amended by inserting "mental health services;" after "in-home services;".

SEC. 106. OLDER INDIVIDUALS WITH DISABILITIES.

(a) PLANNING.—Section 202(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended—

(1) by striking "and" and inserting a comma, and

(2) by inserting after "Act" the following: ", with the Alcohol, Drug Abuse, and Mental Health Administration and the Administration on Developmental Disabilities".

(b) AGENCY CONSULTATION.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)), as amended by section 104(a), is amended—

(1) in paragraph (14) by striking "and" at the end,

(2) in paragraph (15) by striking the period at the end and inserting a comma, and

(3) by adding after paragraph (15) the following:

"(16) the Rehabilitation Act of 1973, and

"(17) the Developmental Disabilities and Bill of Rights Act.".

(c) EVALUATION.—The second sentence of section 206(c) of the Older Americans Act of 1965 (42 U.S.C. 3017(c)) is amended by inserting "and older individuals with disabilities" before the period at the end.

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Indians

SEC. 107. OLDER NATIVE AMERICANS.

(a) IMPROVED ADMINISTRATION FOR NATIVE AMERICAN PROGRAMS.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(c)(1) There is established in the Administration on Aging an Office for American Indian, Alaskan Native, and Native Hawaiian Programs.

"(2) The Office shall be headed by an Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging appointed by the Commissioner.

"(3) The Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging shall—

"(A)(i) evaluate the adequacy of outreach under title III and title VI for older Native Americans and recommend to the Commissioner necessary action to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older Indians and Native Hawaiians; and

Reports

"(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 207(a) to be submitted by the Commissioner;

"(B) serve as the effective and visible advocate in behalf of older Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting older Native Americans;

"(C) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

Grants

"(D) administer and evaluate the grants provided under this Act to Indian tribes, public agencies and nonprofit private organizations serving Native Hawaiians;

"(E) recommend to the Commissioner policies and priorities with respect to the development and operation of programs and activities conducted under the Act relating to older Native Americans;

"(F) collect and disseminate information related to problems experienced by older Native Americans;

"(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older Native Americans; and

"(H) develop and provide technical assistance and training programs to grantees under title VI.".

(b) FEDERAL COUNCIL ON AGING.—The third sentence of section 204(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)(1)) is amended by inserting "Indian tribes" after "minorities".

(c) CONTRACTING AUTHORITY.—Section 212 of the Older Americans Act of 1965 (42 U.S.C. 3020c) is amended by inserting after "State agency" the following: "(or in the case of a grantee under title VI, subject to the recommendation of the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and the approval of the Commissioner)".

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SEC. 108. FEDERAL COUNCIL ON AGING.

(a) MEMBERSHIP.—The fourth sentence of section 204(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)(1)) is amended by striking "two" and inserting "three".

(b) REAUTHORIZATION.—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the provisions of this section $210,000 for the fiscal year 1988, $221,000 for the fiscal year 1989, $232,000 for the fiscal year 1990, and $243,000 for the fiscal year 1991.". Appropriation authorizations.

SEC. 109. REGULATIONS.

Section 205(c) of the Older Americans Act of 1965 (42 U.S.C. 3016(c)) is amended by striking "1984" and inserting "1987".

SEC. 110. PUBLICATION OF GOALS.

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) by inserting after subsection (c) the following:

"(d) Not later than September 1 of each fiscal year, the Commissioner shall make available to the public, for the purpose of facilitating informed public comment, a statement of proposed specific goals to be achieved by implementing this Act in the first fiscal year beginning after the date on which such statement is made available.".

SEC. 111. ASSESSMENT OF UNSATISFIED DEMAND FOR SUPPORTIVE SERVICES PROVIDED AT SENIOR CENTERS AND OTHER SITES.

(a) REPORT.—Not later than September 30, 1989, the Commissioner on Aging shall submit to the Congress a report— 42 USC 3027 note.

(1) assessing the national unmet need for supportive services, nutrition services, and multipurpose senior centers by summarizing in detail for each State the results of the most recent evaluation conducted by the State agency under the then current plan (including any revision thereof) submitted under section 307(a)(3)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(3)(A)), and

(2) containing the recommendations of the Secretary with respect to the need for administrative action and legislation relating to satisfying the demand for supportive services provided at senior centers established under such title and at other sites.

(b) ISSUANCE OF REGULATIONS.—For purposes of obtaining adequate information to be included in the report required by subsection (a), the Commissioner on Aging shall issue, under the authority of section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), such regulations as may be necessary to ensure that the evaluations required to be summarized in such report include data that are objectively collected and statistically valid.

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PART B—GRANTS FOR SUPPORTIVE SERVICES, NUTRITION, AND OTHER ACTIVITIES

SEC. 121. PURPOSE.

Indians.

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended by inserting ", with Indian tribes, tribal organizations, and Native Hawaiian organizations," after "agencies" the second place it appears.

Appropriation authorizations. Grants.

SEC. 122. REAUTHORIZATION FOR STATE AND COMMUNITY PROGRAMS ON AGING.

(a) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)) is amended to read as follows:

"(a) There are authorized to be appropriated $379,575,000 for the fiscal year 1988, $398,554,000 for the fiscal year 1989, $418,481,000 for the fiscal year 1990, and $439,406,000 for the fiscal year 1991, for the purpose of making grants under part B of this title (relating to supportive services and senior centers).".

(b) NUTRITION SERVICES.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated $414,750,000 for the fiscal year 1988, $435,488,000 for the fiscal year 1989, $457,262,000 for the fiscal year 1990, and $480,125,000 for the fiscal year 1991, for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

"(2) There are authorized to be appropriated $79,380,000 for the fiscal year 1988, $83,349,000 for the fiscal year 1989, $87,516,000 for the fiscal year 1990, and $91,892,000 for the fiscal year 1991, for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).".

(c) SURPLUS COMMODITIES PROGRAM.—(1) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)) is amended—

(A) by striking "fiscal year 1986 and during each fiscal year thereafter" and inserting "fiscal years 1986 through 1991", and

(B) by striking the second and third sentences.

(2) Subparagraph (A) of section 311(c)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030a(c)(1)(A)) is amended to read as follows:

"(A) There are authorized to be appropriated $151,000,000 for the fiscal year 1988, $166,000,000 for the fiscal year 1989, $183,000,000 for the fiscal year 1990, and $201,000,000 for the fiscal year 1991, to carry out the provisions of this section (other than subsection (a)(1)).".

SEC. 123. ADMINISTRATIVE EXPENSES OF AREA AGENCIES ON AGING.

Section 304(d)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(A)) is amended by striking "8.5" and inserting "10".

SEC. 124. AREA AGENCIES ON AGING AS SEPARATE UNITS.

Section 305(c) of the Older Americans Act of 1965 (42 U.S.C. 3025(c)) is amended—

(1) in paragraph (2) by inserting "to function only" after "designated",

(2) in paragraph (3) by inserting "only" after "act", and

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(3) in paragraph (4)—

(A) by inserting ", or any separate organizational unit within such agency," after "area" the first place it appears, and

(B) by striking "engage" and inserting "and will engage only".

SEC. 125. AREA PLANS.

Section 306(a)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(A)) is amended by inserting ", and public hearings on," after "evaluations of".

SEC. 126. DAYCARE AND RESPITE SERVICES PROVIDED BY VOLUNTEERS.

Section 306(a)(6)(E) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(E)) is amended—

(1) by inserting "or adults, and respite for families," after "for children", and

(2) by inserting ", adults, and families" after "to children".

SEC. 127. COORDINATION OF CERTAIN PROGRAMS RELATING TO OLDER VICTIMS OF ALZHEIMER'S DISEASE.

Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)) is amended—

(1) in subparagraph (J) by striking "and" at the end,

(2) in subparagraph (K) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims.".

SEC. 128. PUBLIC HEARINGS.

Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by inserting ", and public hearings on," after "evaluations of".

SEC. 129. OMBUDSMAN OFFICE AND PROGRAM.

(a) TECHNICAL ASSISTANCE.—Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:

"(c) The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 307(a)(12), and to individuals designated under such section to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.". State and local governments. Contracts. Grants.

(b) STUDY OF OMBUDSMAN PROGRAM.—(1) The Commissioner on Aging shall conduct a study concerning involvement in the ombudsman program established under section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) and its impact upon issues and problems affecting— 42 USC 3027 note.

(A) residents of board and care facilities and other similar adult care homes who are older individuals (as defined in section 302(10) of such Act), including recommendations for expanding and improving ombudsman services in such facilities, and 101 STAT. 935

(B) the effectiveness of recruiting, supervising, and retaining volunteer ombudsmen. Voluntarism.

(2) The Commissioner shall prepare and submit a report to the Congress on the findings and recommendations of the study described in paragraph (1) not later than December 31, 1989. Reports.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)), as amended by section 122(a), is amended—

(A) by inserting "(1)" after "(a)", and

(B) by adding at the end the following:

"(2) Subject to subsection (h), there are authorized to be appropriated $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out section 307(a)(12).".

(2) Section 308(b)(5) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(5)) is amended—

(A) in subparagraph (A) by striking "subsection (a)" and inserting "subsection (a)(1)", and

(B) in subparagraph (B) by inserting "subsections (a)(1) and (b) of" after "under" the first place it appears.

(d) STATE PLANS.—Section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:

"(12) The plan shall provide the following assurances, with respect to a long-term care ombudsman program:

Contracts.

"(A) The State agency will establish and operate, either directly or by contract or other arrangement with any public agency or other appropriate private nonprofit organization, other than an agency or organization which is responsible for licensing or certifying long-term care services in the State or which is an association (or an affiliate of such an association) of long-term care facilities (including any other residential facility for older individuals), an Office of the State Long-Term Care Ombudsman (in this paragraph referred to as the 'Office') and shall carry out through the Office a long-term care ombudsman program which provides an individual who will, on a full-time basis—

"(i) investigate and resolve complaints made by or on behalf of older individuals who are residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare, or rights of such residents;

"(ii) provide for training staff and volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

"(iii) carry out such other activities as the Commissioner deems appropriate.

Classified information.

"(B) The State agency will establish procedures for appropriate access by the ombudsman to long-term care facilities and patients' records, including procedures to protect the confidentiality of such records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of such complainant or resident, or upon court order.

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"(C) The State agency will establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner on a regular basis.

"(D) The State agency will establish procedures to assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless—

"(i) such complainant or resident, or the individual's legal representative, consents in writing to such disclosure; or

"(ii) such disclosure is required by court order.

"(E) In planning and operating the ombudsman program, the State agency will consider the views of area agencies on aging, older individuals, and provider agencies.

"(F) The State agency will—

"(i) ensure that no individual involved in the designation of the long-term care ombudsman (whether by appointment or otherwise) or the designation of the head of any subdivision of the Office is subject to a conflict of interest;

"(ii) ensure that no officer, employee, or other representative of the Office is subject to a conflict of interest; and

"(iii) ensure that mechanisms are in place to identify and remedy any such or other similar conflicts.

"(G) The State agency will—

"(i) ensure that adequate legal counsel is available to the Office for advice and consultation and that legal representation is provided to any representative of the Office against whom suit or other legal action is brought in connection with the performance of such representative's official duties; and

"(ii) ensure that the Office has the ability to pursue administrative, legal, and other appropriate remedies on behalf of residents of long-term care facilities.

"(H) The State agency will require the Office to—

Reports.

"(i) prepare an annual report containing data and findings regarding the types of problems experienced and complaints received by or on behalf of individuals residing in long-term care facilities, and to provide policy, regulatory, and legislative recommendations to solve such problems, resolve such complaints, and improve the quality of care and life in long-term care facilities;

"(ii) analyze and monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities and services in that State, and recommend any changes in such laws, regulations, and policies deemed by the Office to be appropriate;

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Public information.

"(iii) provide information to public agencies, legislators, and others, as deemed necessary by the Office, regarding the problems and concerns, including recommendations related to such problems and concerns, of older individuals residing in long-term care facilities;

Education.

"(iv) provide for the training of the Office staff, including volunteers and other representatives of the Office, in—

"(I) Federal, State, and local laws, regulations, and policies with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State deems appropriate;

Health and medical care. Handicapped persons.

"(v) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319); and

"(vi) include any area or local ombudsman entity designated by the State Long-Term Care Ombudsman as a subdivision of the Office. Any representative of an entity designated in accordance with the preceding sentence (whether an employee or an unpaid volunteer) shall be treated as a representative of the Office for purposes of this paragraph.

"(I) The State will ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(J) The State will—

"(i) ensure that willful interference with representatives of the Office in the performance of their official duties (as defined by the Commissioner) shall be unlawful;

"(ii) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident or employee for having filed a complaint with, or providing information to, the Office;

"(iii) provide for appropriate sanctions with respect to such interference, retaliation, and reprisals; and

"(iv) ensure that representatives of the Office shall have—

"(I) access to long-term care facilities and their residents; and

"(II) with the permission of a resident or resident's legal guardian, have access to review the resident's medical and social records or, if a resident is unable to consent to such review and has no legal guardian, appropriate access to the resident's medical and social records.

"(K) The State agency will prohibit any officer, employee, or other representative of the Office to investigate any complaint filed with the Office unless the individual has received such training as may be required under subparagraph (G)(iv) and has been approved by the long-term care ombudsman as qualified to investigate such complaints.".

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(e) MINIMUM EXPENDITURE FOR OMBUDSMAN SERVICES.—Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

"(21) The State plan shall provide that the State agency, from funds allotted under section 304(a) for part B and for paragraph (12) (relating to the State long-term care ombudsman) shall expend to carry out paragraph (12), for each fiscal year in which the allotment for part B for the State is not less than the allotment for fiscal year 1987 for part B for such State, an amount which is not less than the amount expended from funds received under this Act by such State in fiscal year 1987 to carry out paragraph (12) as in effect before the effective date of the Older Americans Act Amendments of 1987. This paragraph shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

SEC. 130. FLEXIBILITY OF SERVICES; LEGAL ASSISTANCE.

(a) AREA PLANS.—(1) Section 306(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)) is amended by inserting ", as required under section 307(a)(22)," after "adequate proportion".

(2) Section 306(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)(2)) is amended by adding at the end the following:

State and local governments.

"(C) Whenever the State agency proposes to grant a waiver to an area agency under this subsection, the State agency shall publish the intention to grant such a waiver together with the justification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to which the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.

State and local governments.

"(D) If the State agency waives the requirement described in clause (2) of subsection (a), the State agency shall provide to the Commissioner—

"(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

"(ii) a copy of the record of the public hearing conducted pursuant to subparagraph (A); and

"(iii) a copy of the record of any public hearing conducted pursuant to subparagraph (C).".

(b) MINIMUM EXPENDITURE OF FUNDS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by adding at the end the following:

"(22) The plan shall specify a minimum percentage of the funds received by each area agency for part B that will be expended, in the absence of the waiver granted under section 306(b)(1), by such area agency to provide each of the categories of services specified in section 306(a)(2).".

SEC. 131. DOCUMENTATION REGARDING MINORITY PARTICIPATION.

(a) AREA PLANS.—Section 306(a)(5)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)(A)) is amended—

(1) by inserting "(i)" after "(5)(A)", and

(2) in subparagraph (A)(i), as so redesignated—

(A) by striking "and" at the end, and

(B) by inserting after clause (i) the following:

"(ii) provide assurances that the area agency will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

"(I) specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider; and

"(II) attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and

"(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(I) identify the number of low-income minority older individuals in the planning and service area; and

"(II) describe the methods used to satisfy the service needs of such minority older individuals; and".

(b) STATE PLAN.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by section 130(c), is amended by adding at the end the following:

"(23) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(A) identify the number of low-income minority older individuals in the State; and

"(B) describe the methods used to satisfy the service needs of such minority older individuals.".

SEC. 132. TARGETING OF SERVICES.

(a) ORGANIZATION.—(1) Section 305(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)) is amended—

(A) by striking "the distribution of older individuals who have low incomes residing in such areas", and

(B) by inserting after "legal services," the following: "the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas,".

(2) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(A) in subparagraph (D) by striking "and" at the end,

(B) in subparagraph (E) by striking the period at the end and inserting "; and", and

(C) by inserting after subparagraph (E) the following:

"(F) assure the use of outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on older individuals with the greatest economic or social needs (with particular attention to low-income minority individuals) and inform such individuals of the availability of such assistance.".

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(b) AREA PLANS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1) by inserting after "residing in such area" the following: ", the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area,",

(2) in paragraph (5)(B) by inserting after "rural elderly," the following: "older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals),", and

(3) in paragraph (6)(A) by inserting before the semicolon at the end the following: "and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)".

(c) STATE PLAN.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c) and 131(b), is amended—

(1) in paragraph (8) by inserting before the semicolon the following: ", including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals", and

(2) by adding at the end the following:

"(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

"(A) identify older individuals who are eligible for assistance under this title, with special emphasis on older individuals with greatest economic need (with particular attention to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals who reside in rural areas; and

"(B) inform such individuals of the availability of such assistance.".

SEC. 133. COORDINATION RELATING TO MENTAL HEALTH SERVICES.

Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by section 127, is amended—

(1) in subparagraph (K) by striking "and", and

(2) in subparagraph (L) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(M) coordinate any mental health services provided with funds expended by the area agency on aging for part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations.".

Indians.

SEC. 134. SERVICES TO OLDER NATIVE AMERICANS.

(a) ORGANIZATION.—(1) Section 305(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)), as amended by section 132(a)(1), is amended by inserting "the distribution of older Indians residing in such areas," after "such areas," the second place it appears.

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(2) Section 306(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(1)), as amended by section 132(b)(1), is amended by inserting ", and the number of older Indians residing in such area," before "and" the last place it appears in the parenthetical.

(b) AREA PLANS.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127 and 133, is amended—

(1) by striking "and" at the end of subparagraph (L),

(2) by striking the period at the end of subparagraph (M) and inserting "; and", and

(3) by adding at the end the following:

"(N) if there is a significant population of older Indians in the planning and service area of the area agency, the area agency shall conduct outreach activities to identify older Indians in such area and shall inform such older Indians of the availability of assistance under this Act.".

(c) EDUCATION AND TRAINING.—(1) Section 402 of the Act (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(c) The Commissioner shall ensure that grants and contracts under this title are equitably awarded to agencies, organizations, and institutions representing minorities.". Grants. Contracts.

(2) Section 410(5) of the Older Americans Act of 1965 (42 U.S.C. 3030jj(5)) is amended by inserting "(including centers of gerontology to improve, enhance, and expand minority personnel and training programs)" after "gerontology".

(3) Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended by adding at the end the following:

"(4) To provide in-service training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.".

(4) The matter in parentheses in the first sentence of section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(A) by striking "and" and inserting a comma, and

(B) by inserting "and minority populations" after "services".

(5) Section 423(a) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)) is amended by adding at the end the following:

"(4) The Commissioner shall ensure that grants and contracts under this section are equitably awarded to agencies, organizations, and institutions representing minorities.". Grants. Contracts.

(6) Section 425(a) of the Older Americans Act of 1965 (42 U.S.C. 3035d(a)) is amended—

(A) by striking "(1)" and "(2)" and inserting "(A)" and "(B)", respectively,

(B) by inserting "(1)" after "(a)", and

(C) by adding at the end the following:

"(2) The Commissioner shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.". Grants. Contracts.

(d) TASK FORCE.—(1) The Commissioner on Aging shall establish a permanent interagency task force that is representative of departments and agencies of the Federal Government with an interest in older Indians and their welfare, and is designed to make recommendations with respect to facilitating the coordination of services and the improvement of services to older Indians. 42 USC 3057b note.

(2) The task force shall be chaired by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and shall submit its findings and recommendations to the Commissioner at 6-month intervals beginning after the date of the enactment of this Act. Such findings and recommendations shall be included in the annual report required by section 207(a) of the Older Americans Act of 1965 to be submitted by the Commissioner. 101 STAT. 942 Reports.

(e) SPECIAL REPORT ON SERVICES FOR OLDER INDIANS.—(1) The Commissioner on Aging shall enter into a contract with a public agency or nonprofit private organization to conduct a thorough study of the availability and quality of services under the Older Americans Act of 1965 to older Indians. The study shall include— Contracts. 42 USC 3057b note.

(A) an analysis of how many Indians now participate in programs under titles III and VI of such Act as compared to how many older Indians are eligible to participate in such programs,

(B) a description of how grants under titles III and VI of such Act are made to Indian tribes and how services are made available to older Indians, and Grants.

(C) a determination of what services are currently provided through title VI of such Act to older Indians and how well the Administration on Aging assures that supportive services under

title VI of such Act to Indians are commensurate with supportive services under title III of such Act with special consideration to information and referral services, legal services, transportation services, and the ombudsman services.

(2) Not later than December 31, 1988, the Commissioner on Aging shall prepare and submit to the Congress a report on the study required by this subsection, together with such recommendations, including recommendations for legislation, as the Commissioner considers to be appropriate.

SEC. 135. OUTREACH REGARDING TUITION-FREE POST-SECONDARY EDUCATION.

Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127, 133, and 134(b), is amended—

(1) in subparagraph (M) by striking "and" at the end,

(2) in subparagraph (N) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(O)(i) compile available information on institutions of higher education in the planning and service area regarding—

"(I) the courses of study offered to older individuals by such institutions; and

"(II) the policies of such institutions with respect to the enrollment of older individuals with little or no payment of tuition, on a space available basis, or on another special basis;

and include in such compilation such related supplementary information as may be necessary; and

"(ii) based on the results of such compilation, make a summary of such information available to older individuals at multipurpose senior centers, congregate nutrition sites, and other appropriate places.".

SEC. 136. SERVICES TO INDIVIDUALS WITH DISABILITIES.

(a) DEFINITIONS.—(1) Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

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"(8) The term 'disability' means (except when such term is used in the phrase 'severe disability', 'developmental disabilities', 'physical or mental disability', 'physical and mental disabilities', or 'physical disabilities') a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment.

"(9) The term 'severe disability' means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that—

"(A) is likely to continue indefinitely; and

"(B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (8).".

(2) Section 302(11) of the Older Americans Act of 1965 (42 U.S.C. 3022(11)) is amended by inserting "(including mental health)" after "health".

(b) AREA PLANS.—Section 306(a)(5)(B) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)(B)), as amended by section 132(b)(2), is amended by inserting "and older individuals with severe disabilities," after "individuals)," the second place it appears.

(c) STATE PLANS.—(1) Section 307(a)(13)(I) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(13)(I)) is amended by inserting before the semicolon at the end the following: ", and to individuals with

disabilities who reside at home with and accompany older individuals who are eligible under this Act".

(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), and 132(c), is amended by adding at the end the following:

"(25) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.".

(d) SUPPORTIVE SERVICES.—(1) Section 321(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(1)) is amended by inserting after "health" the following: "(including mental health)".

(2) Section 321(a)(4)(B) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(4)(B)) is amended by striking "suffering from physical disabilities" and inserting "who have physical disabilities".

SEC. 137. CONFIDENTIALITY OF INFORMATION RELATING TO LEGAL ASSISTANCE PROVIDED.

(a) AREA AGENCY ON AGING.—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the following:

"(d) An area agency on aging may not require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.". 101 STAT. 944

(b) STATE AND STATE AGENCY.—Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by adding at the end the following:

"(g) Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.".

SEC. 138. COORDINATION OF COMMUNITY-BASED SERVICES.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), and 136(c)(3), is amended by adding at the end the following:

"(26) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(6)(I), for older individuals who—

"(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

"(B) are patients in hospitals and are at risk of prolonged institutionalization; or

"(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.".

SEC. 139. PAYMENTS.

Section 309(c) of the Older Americans Act of 1965 (42 U.S.C. 3029(c)) is amended—

(1) by inserting "average annual" after "less than its", and

(2) by striking "preceding fiscal year" and inserting "period of 3 fiscal years preceding such year".

SEC. 140. IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(d) There are authorized to be appropriated $25,000,000 for fiscal year 1988, $26,250,000 for fiscal year 1989, $27,563,000 for fiscal year

1990, and $28,941,000 for fiscal year 1991 for the purpose of making grants under part D of this title (relating to in-home services).".

(b) AREA PLANS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (6) by striking the period at the end and inserting "; and", and

(2) by adding at the end the following:

"(7) provide assurances that any amount received under part D will be expended in accordance with such part.".

(c) STATE PLANS.—(1) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(10)) is amended by striking "including nutrition services," and inserting "nutrition services, or in-home services (as defined in section 342(1))".

(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), and 138 is amended by adding at the end the following:

"(27) The plan shall provide assurances of consultation and coordination in planning and provision of in-home services under section 341 with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.".

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(d) PROGRAM.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

"PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

Grants.
42 USC 3030h.

"SEC. 341. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide in-home services to frail older individuals, including in-home supportive services for older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.

"(b) In carrying out the provisions of this part, each area agency shall coordinate with other community agencies and voluntary organizations providing counseling and training for family caregivers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging for, and coordinating services, case management, and counseling prior to admission to nursing home to prevent premature institutionalization.

"DEFINITIONS

42 USC 3030i.

"SEC. 342. For purposes of this part—

"(1) the term 'in-home services' includes—

"(A) homemaker and home health aides;

"(B) visiting and telephone reassurance;

"(C) chore maintenance;

"(D) in-home respite care for families, and adult day care as a respite service for families; and

"(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than $150 per client may be expended under this part for such modification; and

"(2) the term 'frail' means having a physical or mental disability, including having Alzheimer's disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

"STATE CRITERIA

"SEC. 343. The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account— 42 USC 3030j.

"(1) age;

"(2) greatest economic need;

"(3) noneconomic factors contributing to the frail condition; and

"(4) noneconomic and nonhealth factors contributing to the need for such services.

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"MAINTENANCE OF EFFORT

"SEC. 344. Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and the families of such victims).". 42 USC 3030k.

SEC. 141. ASSISTANCE FOR SPECIAL NEEDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by section 140(a), is amended by adding at the end the following:

"(e) Subject to subsection (h), there are authorized to be appropriated $25,000,000 for fiscal year 1988, $25,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991 to carry out part E (relating to special needs).".

(b) AREA PLANS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by section 140(b), is amended—

(1) in paragraph (6) by striking "and" at the end,

(2) in paragraph (7) by striking the period at the end and inserting "; and", and

(3) by inserting after paragraph (7) the following:

"(8) provide assurances that any amount received under part E will be expended in accordance with such part;".

(c) STATE PLANS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, and 140(c)(2), is amended by adding at the end the following:

"(28) The plan shall provide assurances that if the State receives funds appropriated under section 303(e), the State agency and area agencies on aging will expend such funds to carry out part E.".

(d) GRANTS FOR SPECIAL NEEDS.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030g), as amended by section 140(d), is amended by adding at the end the following:

"PART E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

"SEC. 351. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide services, consistent with the purpose of this title, designed to satisfy special needs of older individuals. Such services include— Grants. 42 USC 3030*l*.

"(1) transportation associated with services provided under this title;

"(2) outreach regarding such services;

"(3) targeting such services to older individuals with greatest economic need or greatest social need;

"(4) services under the ombudsman program established under section 307(a)(12); and

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"(5) any other service under this title—

"(A) for which the State demonstrates to satisfaction of the Commissioner that there is unmet need; and

"(B) which is appropriate to improve the quality of life of older individuals, particularly those with greatest economic need and those with greatest social need.".

SEC. 142. STATE PLAN INFORMATION REGARDING SERVICES TO OLDER INDIVIDUALS RESIDING IN RURAL AREAS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, 140(c)(2), and 141(c), is amended by adding at the end the following:

"(29) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas.".

SEC. 143. HEALTH EDUCATION AND PROMOTION FOR OLDER INDIVIDUALS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by sections 140(a) and 141(a), is amended by adding at the end the following:

"(f) Subject to subsection (h), there are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 for the purpose of making grants under part F of this title (relating to periodic preventive health, health education, and promotion services).".

(b) AREA PLANS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by sections 140(b) and 141(b), is amended—

(1) in paragraph (7) by striking "and" at the end,

(2) in paragraph (8) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(9) provide assurances that any amount received under part F will be expended in accordance with such part.".

(c) PROGRAM.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), as amended by sections 140(d) and 141(d), is amended by adding at the end the following:

"PART F—PREVENTIVE HEALTH SERVICES

"PROGRAM AUTHORIZED

Grants.
42 USC 3030m.

"SEC. 361. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for periodic preventive health services to be provided at senior centers or alternative sites as appropriate.

"(b) Preventive health services under this part may not include services eligible for reimbursement under Medicare.

"(c) The Commissioner shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

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"DISTRIBUTION TO AREA AGENCIES

State and local governments.
42 USC 3030n.

"SEC. 362. The State agency shall give priority, in carrying out this part, to areas of the State—

"(1) which are medically underserved; and

"(2) in which there are a large number of older individuals who have the greatest economic need for such services.

"DEFINITIONS

"SEC. 363. For the purpose of this part and section 307 the term 'preventive health services' means— 42 USC 3030o

"(1) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision and hearing screening;

"(2) group exercise programs;

"(3) home injury control services, including screening of high-risk home environments and educational programs on injury protection in the home environment;

"(4) nutritional counseling and educational services;

"(5) screening for the prevention of depression, coordination of community mental health services, educational activities, and referral to psychiatric and psychological services;

"(6) educational programs on the benefits and limitations of Medicare and various supplemental insurance coverage, including individual policy screening and health insurance-needs counseling; and

"(7) counseling regarding followup health services based on any of the services provided for above.".

SEC. 144. PREVENTION OF ABUSE OF OLDER INDIVIDUALS.

(a) DEFINITIONS.—Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by section 136(a), is amended by adding at the end the following:

"(15) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or

"(B) deprivation by a caretaker of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

"(16) The term 'elder abuse' means abuse of an older individual.

"(17) The term 'caretaker' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction.

"(18) The term 'exploitation' means the illegal or improper act or process of a caretaker using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(19) The term 'neglect' means the failure to provide for oneself the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

"(20) The term 'physical harm' means bodily pain, injury, impairment, or disease.". 101 STAT. 949

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by sections 140(a), 141(a), and 143(a), is amended by adding at the end the following:

"(g) Subject to subsection (h), there are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991, to carry out part G (relating to abuse, neglect, and exploitation of older individuals).".

(c) AREA PLANS.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by sections 140(b), 141(b), and 143(b), is amended—

(1) in paragraph (8) by striking "and" at the end,

(2) in paragraph (9) by striking the period at the end and inserting "; and", and

(3) by adding at end the following:

"(10) provide assurances that any amount received under part G will be expended in accordance with such part.".

(d) STATE PLAN.—(1) Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended by striking "provide" the second place it appears and inserting ", if funds are not appropriated under section 303(g) for a fiscal year, provide that for such fiscal year".

(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, 140(c)(2), 141(c), and 142, is amended by adding at the end the following:

"(30) The plan shall provide assurances that if the State receives funds appropriated under section 303(g), the State agency and area agencies on aging will expend such funds to carry out part G.".

(e) ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), as amended by sections 140(d), 141(d), and 143(c), is amended by adding at the end the following:

"PART G—PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

Grants.
42 USC 3030p.

"SEC. 371. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program with respect to the prevention of abuse, neglect, and exploitation of older individuals. The program shall—

"(1) be consistent with relevant State law and coordinated with State adult protective service activities and other State and local elder abuse prevention and protection;

"(2) provide for—

Education.

"(A) public education and outreach services to identify and prevent abuse, neglect, and exploitation of older individuals;

Reports.

"(B) receipt of reports of such abuse, neglect, and exploitation;

"(C) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and with the consent of the older individuals to be referred; and

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"(D) the referral of complaints and other reports of abuse, neglect, or exploitation of older individuals to law enforcement agencies, public protective service agencies, licensing and certification agencies, ombudsman programs, or protection and advocacy system if appropriate;

"(3) not permit involuntary or coerced participation in such program by alleged victims, abusers, or their households; and

"(4) require that all information gathered in the course of receiving such a complaint or report, and making such a referral, shall remain confidential unless—

"(A) all parties to such complaint or report consent in writing to the release of such information; or

"(B) the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system.".

SEC. 145. LIMITATION ON CERTAIN AUTHORITY TO MAKE APPROPRIATIONS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 2023), as amended by sections 140(a), 141(a), 143(a), and 144(b), is amended by adding at the end the following: 42 USC 3023.

"(h) No funds may be appropriated under subsection (a)(2), (a)(3), (e), (f), or (g) for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out this title (other than sections 306(a)(6)(P), 307(a)(12), and 311, and parts E, F, and G), title IV (other than sections 427 and 428), title V, and title VI exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such titles.".

SEC. 146. ASSISTIVE TECHNOLOGY INFORMATION.

(a) DEFINITIONS.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(8) The term 'assistive technology' means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.

"(9) The term 'information and referral' includes information relating to assistive technology.".

(b) CLIENT ASSESSMENT THROUGH CASE MANAGEMENT.—Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended by adding at the end the following: "For purposes of paragraph (5), the term 'client assessment through case management' includes providing information relating to assistive technology.".

(c) MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.—Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in paragraph (5) by striking "and" at the end,

(2) in paragraph (6) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(7) if appropriate, provide information relating to assistive technology.".

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PART C—DEMONSTRATION GRANTS

SEC. 151. DEMONSTRATION PROJECTS; PURPOSE.

Minorities. Disadvantaged persons. Handicapped persons.

Section 401(1) of the Older Americans Act of 1965 (42 U.S.C. 3030aa(1)) is amended by inserting before the semicolon the following: ", with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities".

SEC. 152. DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)", and

(B) by adding at the end the following:

"(2) The Commissioner may, after consultation with the State agency in the State involved, make grants to or enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing prototype health education and promotion programs for the use of State and area agencies on aging in implementing preventive health service programs.", and

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(2) in subsection (b) by striking "this section" and inserting "subsection (a)(1)".

SEC. 153. VOLUNTEER OPPORTUNITIES.

Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in paragraph (7) by striking "and" at the end,

(2) in paragraph (8) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include—

Children and youth.

"(A) projects furnishing intergenerational services by older individuals addressing the needs of children, such as—

"(i) tutorial services in elementary and special schools;

"(ii) after school programs for latch key children;

"(iii) voluntary services for day care center programs; and

"(B) volunteer service credit projects operated in conjunction with ACTION, permitting elderly volunteers to earn credits for services furnished, which may later be redeemed for similar volunteer services.".

SEC. 154. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

Section 423(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(1)), as amended by section 134(c)(5), is amended by striking "may" and inserting "shall".

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State and local governments.

SEC. 155. OUTREACH TO SSI, MEDICAID, AND FOOD STAMP RECIPIENTS.

(a) OUTREACH AND APPLICATION ASSISTANCE FUNCTIONS OF ADMINISTRATION ON AGING.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)), as amended by section 103(a), is amended—

(1) in paragraph (18) by striking "and" at the end,

(2) in paragraph (19) by striking the period and inserting "; and", and

(3) by adding at the end the following:

"(20) obtain from—

"(A) the Department of Agriculture information explaining the requirements for eligibility to receive benefits under the Food Stamp Act of 1977; and

"(B) the Social Security Administration information explaining the requirements for eligibility to receive supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act);

and distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance under section 307(a)(31).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)), as amended by sections 122(a) and 129(c), is amended—

(1) in paragraph (1) by inserting "for purposes other than outreach activities and application assistance under section 307(a)(31)" before the period at the end, and

(2) by adding at the end the following:

"(3) Subject to subsection (h), there are authorized to be appropriated $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and such sums as may be necessary for fiscal year 1991 to carry out section 306(a)(6)(P). Amounts appropriated under this subsection shall remain available until expended.".

(c) ALLOTMENT, STATE MIMINUM.—(1)(A) The first sentence of section 304(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1)) is amended by striking "paragraph (2)" and inserting "paragraphs (2) and (3)".

(B) The last sentence of section 304(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1)) is amended by striking "purpose of" and inserting "purposes of paragraph (3) and".

(2) Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(A) by redesignating paragraph (3) as paragraph (4), and

(B) by inserting after paragraph (2) the following:

"(3) No State shall be allotted, from the amount appropriated pursuant to section 303(a)(3), less than $50,000 for any fiscal year.".

(d) ADMINISTRATIVE EXPENSES.—Subparagraphs (B) and (C) of section 304(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)) are each amended by inserting "(excluding any amount attributable to funds appropriated under section 303(a)(3))" after "amount".

(e) OUTREACH AND APPLICATION ASSISTANCE.—

(1) AREA PLANS.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127, 133, 134(b), and 135, is amended— 101 STAT. 953

(A) in subparagraph (N) by striking "and" at the end,

(B) in subparagraph (O) by striking the period at the end and inserting "; and", and

(C) by adding at the end the following:

"(P) with funds and information received under section 307(a)(31) from the State agency—

"(i) carry out activities to identify older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act), medical assistance under title XIX of the Social Security Act, and benefits under the Food Stamp Act of 1977;

"(ii) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and such benefits; and

"(iii) assist older individuals to apply for such assistance and such benefits;".

(2) STATE PLANS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, 140(c)(2), 141(c), 142, and 144(d), is amended—

(A) in paragraph (20)(A) by striking "section 306(a)(2)(A)" and inserting "sections 306(a)(2)(A) and 306(a)(6)(P)", and

(B) by adding at the end the following:

"(31) The plan shall provide that the State agency—

"(A) from funds allotted for fiscal year 1989 under section 304(a) for part B that are attributable to the amount appropriated under section 303(a)(3), will make funds available to eligible area agencies on aging to carry out section 306(a)(6)(P) and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

"(i) the number of older individuals with greatest economic need (as defined in section 302(20)) residing in their respective planning and service areas; and

"(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in section 306(a)(6)(P);

"(B) will require, as a condition of eligibility to receive funds under this paragraph, an area agency on aging to submit an application that—

"(i) describes the activities for which such funds are sought;

"(ii) provides for an evaluation of such activities by the area agency; and

"(iii) includes assurances that the area agency will prepare and submit to the State agency a report of the activities conducted with funds provided under this paragraph and the evaluation of such activities;

Public information.

"(C) will distribute to area agencies on aging—

"(i) the eligibility information received under section 202(a)(20) from the Administration; and

"(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act; and

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"(D) will submit to the Commissioner a report on the evaluations required to be submitted under section 307(a)(31)(B).".

(f) REPORT.—Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by adding at the end the following:

"(c) The Commissioner shall, as part of the annual report submitted under subsection (a), prepare and submit a report on the evaluations required to be submitted under section 307(a)(31)(D), together with such recommendations as the Commissioner deems appropriate. In carrying out this subsection, the Commissioner shall consider—

"(1) the number of older individuals reached through outreach activities supported under section 306(a)(6)(P);

"(2) the dollar amount of the assistance and benefits received by older individuals as a result of such activities;

"(3) the cost of such activities in terms of the number of individuals reached and the dollar amount described in paragraph (2); and

"(4) the effect of such activities on supportive services and nutrition services furnished under title III of this Act.".

42 USC 3026 note.

(g) IMPLEMENTATION INFORMATION.—Not later than September 1, 1988, the Commissioner on Aging shall—

(1) analyze and compile information on successful and unsuccessful activities carried out to conduct outreach of the type described in section 306(a)(6)(P) of the Older Americans Act of 1965, as added by subsection (e), and

Public information.

(2) distribute such information to the State agencies on aging for dissemination to interested area agencies on aging to assist such area agencies in designing outreach activities to be carried out under section 306(a)(6)(P) of such Act.

42 USC 3026 note.

(h) EVALUATION GUIDELINES.—The Commissioner on Aging shall issue guidelines to be followed by State agencies on aging and area agencies on aging in conducting evaluations of outreach activities carried out under section 306(a)(6)(P), of the Older Americans Act of 1965, as added by subsection (e). Such guidelines shall be designed to ensure that such evaluations are based on uniform criteria that provide a basis for the valid comparison of such outreach activities conducted by the various area agencies.

SEC. 156. DEMONSTRATION GRANTS FOR INDIVIDUALS WITH DISABILITIES.

(a) TRAINING.—Section 411(c) of the Older Americans Act of 1965 (42 U.S.C. 3031(c)) is amended—

(1) by striking "custodial and skilled care for older individuals who suffer from" and inserting "services to individuals with disabilities and to individuals with", and

(2) by striking "other neurological and organic brain disorders of the Alzheimer's type" and inserting "and related disorders with neurological and organic brain dysfunction".

(b) MULTIDISCIPLINARY CENTERS.—Section 412(a) of the Older

Americans Act of 1965 (42 U.S.C. 3032(a)) is amended by inserting "disabilities (including severe disabilities)," before "income maintenance".

(c) DEMONSTRATION GRANTS.—Section 422(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)(2)) is amended—

(1) in subparagraph (C) by striking "and" at the end,

(2) in subparagraph (D) by inserting "and" at the end, and 101 STAT. 955

(3) by adding at the end the following:

"(E) the identification and provision of services to older individuals with severe disabilities;".

(d) LONG-TERM CARE SPECIAL PROJECTS.—Section 423(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(3)) is amended by inserting after "geriatric health maintenance organizations;" the following: "services to older individuals with severe disabilities residing in nursing homes;".

(e) ADDITIONAL SPECIAL PROJECTS.—(1) Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034 et seq.) is amended by adding at the end the following:

"OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS

"SEC. 427. (a) The Commissioner is authorized to make grants to not less than three nor more than ten States to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319). State and local governments. 42 USC 3035f.

"(b) The Commissioner on Aging shall prepare and submit to the Congress a report of the study and evaluation required by subsection (a). Such report shall contain such recommendations as the Commissioner on Aging deems appropriate.". Reports.

(2) Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(A) by inserting "(other than section 427)" after "title",

(B) by inserting "(1)" after "(a)", and

(C) by adding at the end the following:

"(2) Subject to subsection (b), there is authorized to be appropriated $1,000,000 for fiscal year 1989 to carry out the provisions of section 427. The funds appropriated pursuant to this paragraph shall remain available for expenditure for fiscal year 1990.". Appropriation authorizations.

SEC. 157. CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME.

(a) DEMONSTRATION PROJECTS AUTHORIZED.—Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034 et seq.), as amended by section 156(e)(1), is amended by adding at the end the following:

"CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME

"SEC. 428. (a)(1) The Commissioner is authorized to make grants to not fewer than 6 nor more than 10 States to demonstrate and evaluate the effectiveness of consumer protection projects for services (other than medical services) provided to older individuals in the home that are furnished or assisted with public funds. State and local governments. 42 USC 3035g.

"(2) Grants made under this section shall be used to test different approaches to protecting older individuals with regard to services in the home. Such projects may provide consumer protection through State and local ombudsmen, legal assistance agencies, and other community service agencies.

"(b) No grant may be made under this section unless an application is made to the Commissioner at such time, in such manner, and

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containing such information as the Commissioner may reasonably require. Each such application shall—

"(1) describe activities for which assistance is sought;

"(2) provide for an evaluation of the activities for which assistance is sought; and

"(3) provide assurances that the applicant will prepare and submit a report to the Commissioner on the activities conducted with assistance under this section and the evaluation of such activities.

"(c) In approving applications under this section, the Commissioner shall assure equitable geographic distribution of assistance.

Reports.

"(d) The Commissioner shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Commissioner deems appropriate. In carrying out this section, the Commissioner shall include in the report—

"(1) a description of the demonstration projects assisted under this section;

"(2) an evaluation of the effectiveness of each such project; and

"(3) recommendations of the Commissioner with respect to the desirability and feasibility of carrying out on a nationwide basis a consumer protection program for services in the home.

"(e) Consumer protection projects carried out under this section—

"(1) may include, but are not limited to, consumer education, the use of consumer hotlines, receipt and resolution of consumer complaints, and advocacy; and

"(2) may not address medical services.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C 3037(a)(1)), as amended by section 156(e)(2), is amended—

(1) by striking "section 427" in the parenthetical and inserting "sections 427 and 428", and

(2) by adding at the end the following:

"(3) Subject to subsection (b), there is authorized to be appropriated $2,000,000 for each of the fiscal years 1989 and 1990 to carry out the provisions of section 428.".

SEC. 158. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS.

Paragraph (1) of section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)), as amended by sections 156(e)(2) and 157(b), is amended to read as follows:

"(1) There are authorized to be appropriated to carry out the provisions of this title (other than sections 427 and 428) $32,970,000 for the fiscal year 1988, $34,619,000 for the fiscal year 1989, $36,349,000 for the fiscal year 1990, and $38,167,000 for the fiscal year 1991.

SEC. 159. LIMITATION ON CERTAIN AUTHORITY TO MAKE APPROPRIATIONS.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended—

(1) by redesignating subsection (b) as subsection (c), and

(2) by inserting after subsection (a) the following:

"(b) No funds may be appropriated under paragraph (2) or (3) of subsection (a) for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out this title (other than sections 427 and 428), title III (other than sections 306(a)(6)(P), 307(a)(12), and 311, and parts E, F, and G), title V, and title VI exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such titles.".

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PART D—COMMUNITY SERVICE EMPLOYMENT

SEC. 161. ADMINISTRATIVE COSTS OF EMPLOYMENT PROJECTS.

Section 502(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(3)) is amended to read as follows:

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for fiscal year 1987 and each fiscal year thereafter shall be available for paying the costs of administration for such project, except that—

"(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

"(B) whenever the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

"(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

"(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

"(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceed 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.".

SEC. 162. COMMUNITY SERVICE EMPLOYMENT SPECIAL NEEDS ASSURANCE.

(a) PROGRAM ASSURANCE.—Section 502(b)(1)(M) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(M)) is amended to read as follows:

"(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;".

Minorities.
Indians.

(b) RESERVATION OF FUNDS.—Section 506(a)(1)(A) of the Older Americans Act of 1965 (42 U.S.C 3056d(a)(1)(A)) is amended by inserting after the first sentence the following: "Beginning with the first fiscal year in which the amount appropriated to carry out this title exceeds the amount appropriated for fiscal year 1987 to carry out this title, the Secretary shall next reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.".

Grants.
Contracts.
Indians.
Employment and unemployment.
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SEC. 163. INFORMATION ON AGE DISCRIMINATION PROHIBITIONS.

Section 503(b) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)) is amended—

(1) by inserting "(1)" after "(b)", and

(2) by adding at the end the following:

Grants.

"(2) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.".

SEC. 164. DEFINITIONS.

(a) COMMUNITY SERVICES.—Section 507(3) of the Older Americans Act of 1965 (42 U.S.C. 3056e(3)) is amended by inserting "(particularly literacy tutoring)" after "educational services".

(b) PACIFIC ISLAND AND ASIAN AMERICANS.—Section 507 of the Older Americans Act of 1965 (42 U.S.C. 3056e) is amended—

(1) in paragraph (3) by striking "and" at the end,

(2) in paragraph (4) by striking the period at the end, and

(3) by adding at the end the following:

"(5) the term 'Pacific Island and Asian Americans' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.".

SEC. 165. AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.

Section 508(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056f(a)(1)) is amended to read as follows:

"(1) $386,715,000 for the fiscal year 1988, $406,051,000 for the fiscal year 1989, $426,353,000 for the fiscal year 1990, and $447,671,000 for the fiscal year 1991.".

SEC. 166. EMPLOYMENT ASSISTANCE AND OTHER PROGRAMS.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056-3056f) is amended by adding at the end the following:

"EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS

42 USC 3056g.

"SEC. 509. Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.".

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PART E—NATIVE AMERICAN PROGRAMS

SEC. 171. NATIVE AMERICAN PROGRAMS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057-3057g) is amended to read as follows:

Indians.

"TITLE VI—GRANTS FOR NATIVE AMERICANS

"STATEMENT OF PURPOSE

42 USC 3057.

"SEC. 601. It is the purpose of this title to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under title III.

"SENSE OF CONGRESS

42 USC 3057a.

"SEC. 602. It is the sense of the Congress that older Indians, older Alaskan Natives, and older Native Hawaiians are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.

"PART A—INDIAN PROGRAM

"FINDINGS

"SEC. 611. (a) The Congress finds that the older Indians of the United States— 42 USC 3057b.

"(1) are a rapidly increasing population;

"(2) suffer from high unemployment;

"(3) live in poverty at a rate estimated to be as high as 61 percent;

"(4) have a life expectancy between 3 and 4 years less than the general population;

"(5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;

"(6) lack sufficient Indian area agencies on aging;

"(7) frequently live in substandard and over-crowded housing;

"(8) receive less than adequate health care;

"(9) are served under this title at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations; and

"(10) are served under title III at a rate of less than 1 percent of the total participants under that title.

"ELIGIBILITY

"SEC. 612. (a) A tribal organization of an Indian tribe is eligible for assistance under this part only if— 42 USC 3057c.

"(1) the tribal organization represents at least 50 individuals who are 60 years of age or older; and

"(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

"(b) For the purposes of this part the terms 'Indian tribe' and 'tribal organization' have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

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"GRANTS AUTHORIZED

"SEC. 613. The Commissioner may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older Indians. 42 USC 3057d.

"APPLICATIONS

"SEC. 614. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall— 42 USC 3057e.

"(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older Indians to be represented by the tribal organization;

"(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

"(3) provide that the tribal organization will make such reports in such form and containing such information, as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports; Reports.

"(4) provide for periodic evaluation of activities and projects carried out under the application;

"(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

"(6) provide for establishing and maintaining information and referral services to assure that older Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

"(7) provide a preference for Indians aged 60 and older for full or part-time staff positions wherever feasible;

Contracts.

"(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this clause for supportive services;

"(9) contain assurances that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

"(10) provide that any legal or ombudsman services made available to older Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services; and

"(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract.

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"(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

"(c) The Commission shall approve any application which complies with the provisions of subsection (a).

"(d) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commission shall—

"(1) state objections in writing to the tribal organization within 60 days after such decision;

"(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

"(3) provide the tribal organization with a hearing, under such rules and regulations as the Commissioner may prescribe.

"(e) Whenever the Commissioner approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

"SURPLUS EDUCATIONAL FACILITIES

42 USC 3057f.

"SEC. 615. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, child care services, and other supportive services.

"(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

"PART B—NATIVE HAWAIIAN PROGRAM

"FINDINGS

"SEC. 621. The Congress finds the older Native Hawaiians— 42 USC 3057g.
"(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;
"(2) rank lowest on 9 of 11 standard health indicies for all ethnic groups in Hawaii;
"(3) are often unaware of social services and do not know how to go about seeking such assistance; and
"(4) live in poverty at a rate of 34 percent.

"ELIGIBILITY

"SEC. 622. A public or nonprofit private organization having the capacity to provide services under this part for Native Hawaiians is eligible for assistance under this part only if— 42 USC 3057h.
"(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and
"(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

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"GRANTS AUTHORIZED

"SEC. 623. The Commissioner may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Native Hawaiians. 42 USC 3057i.

"APPLICATION

"SEC. 624. (a) No grant may be made under this part unless the public or nonprofit private organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall— 42 USC 3057j.
"(1) provide that the organization will evaluate the need for supportive and nutrition services among older Native Hawaiians to be represented by the organization;
"(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;
"(3) provide assurances that the organization will coordinate its activities with the State agency on aging;
"(4) provide that the organization will make such reports in such form and containing such information as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to ensure the correctness of such reports; Reports.
"(5) provide for periodic evaluation of activities and projects carried out under the application;
"(6) establish objectives, consistent with the purpose of this title, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;
"(7) provide for establishing and maintaining information and referral services to assure that older Native Hawaiians to be served by the assistance made available under this part will have reasonably convenient access to such services;
"(8) provide a preference for Native Hawaiians 60 years of age and older for full or part-time staff positions wherever feasible;
"(9) provide that any legal or ombudsman services made available to older Native Hawaiians represented by the nonprofit private organization will be substantially in compliance

with the provisions of title III relating to the furnishing and similar services; and

"(10) provide satisfactory assurances that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

"(b) The Commissioner shall approve any application which complies with the provisions of subsection (a).

"(c) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commissioner shall—

"(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

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"(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

"(3) provide the organization with a hearing under such rules and regulations as the Commissioner may prescribe.

"(d) Whenever the Commissioner approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

"DEFINITION

42 USC 3057k "SEC. 625. For the purpose of this part, the term 'Native Hawaiian' means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

"PART C—GENERAL PROVISIONS

"ADMINISTRATION

42 USC 3057l "SEC. 631. In establishing regulations for the purpose of part A the Commissioner shall consult with the Secretary of the Interior.

"PAYMENTS

42 USC 3057m "SEC. 632. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such installments and on such conditions, as the Commissioner may determine.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 3057n "SEC. 633. (a) Subject to subsection (b), there are authorized to be appropriated to carry out this title (other than section 615)—

"(1) $13,400,000 for fiscal year 1988, of which $12,100,000 shall be available to carry out part A and $1,300,000 shall be available to carry out part B;

"(2) $16,265,000 for fiscal year 1989, of which $14,900,000 shall be available to carry out part A and $1,365,000 shall be available to carry out part B;

"(3) $19,133,000 for fiscal year 1990, of which $17,700,000 shall be available to carry out part A and $1,433,000 shall be available to carry out part B; and

"(4) $22,105,000 for fiscal year 1991, of which $20,600,000 shall be available to carry out part A and $1,505,000 shall be available to carry out part B.".

"(b)(1) If the amount appropriated under subsection (a) for a fiscal year does not exceed the amount appropriated to carry out this title (as in effect before the effective date of the Older Americans Act Amendments of 1987) in fiscal year 1987, then the amount appropriated under subsection (a) for such fiscal year shall be available only to carry out part A.

"(2) If the amount appropriated under subsection (a) for a fiscal year exceeds the amount appropriated to carry out this title (as in effect before the effective date of the Older Americans Act Amendments of 1987) in fiscal year 1987, then—

"(A) $250,000 of such excess shall be made available to carry out part B; and

"(B) one-half of the remaining amount of such excess shall be made available to carry out part B;

except that the aggregate amount made available to carry out part B may not exceed the amount required (without regard to this paragraph) by subsection (a) to be made available to carry out part B.".

PART F—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 181. REPEAL OF OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM.

Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058–3058d) is repealed.

SEC. 182. TECHNICAL AMENDMENTS.

(a) Section 102(1) of the Older Americans Act of 1965 (42 U.S.C. 3002(1)) is amended by striking "other than for purposes of title V" and inserting "except that for purposes of title V such term means the Secretary of Labor".

(b)(1) Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(A) in paragraph (3)—

(i) by striking "includes" and inserting "means any of the several States,", and

(ii) by striking "Puerto Rico" and inserting "the Commonwealth of Puerto Rico", and

(B) by adding at the end the following:

"(8) The term 'Trust Territory of the Pacific Islands' includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

(2) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by sections 136(a) and 144(a), is amended—

(A) by striking paragraph (6), and

(B) by redesignating paragraphs (7) through (20) as paragraphs (6) through (19), respectively.

(3) Section 506(a)(4)(A) of the Older Americans Act of 1965 (42 U.S.C. 3056d(a)(4)(A)) is amended by striking "Puerto Rico" and inserting "the Commonwealth of Puerto Rico".

(4) Section 507 of the Older Americans Act of 1965 (42 U.S.C. 3056e), as amended by section 164(b), is amended—

(A) by striking paragraph (1), and

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(c) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by striking "his functions" and inserting "the functions of the Commissioner".

(d) Section 204(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)(3)) is amended by inserting "to" after "Secretary,".

(e)(1) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by subsection (b)(2) and sections 136(a) and 144(a), is amended by adding at the end the following:

"(20) The term 'greatest economic need' means the need resulting from an income level at or below the poverty levels established by the Office of Management and Budget.

"(21) The term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social, or geo-

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graphical isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threatens such individual's capacity to live independently.".

(2) Section 305(d) of the Older Americans Act of 1965 (42 U.S.C. 3025(d)) is amended—

(A) by striking "(d)(1)" and inserting "(d)", and

(B) by striking paragraph (2).

(3) Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended by striking the last sentence.

(f) Section 304(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)) is amended in the matter preceding subparagraph (A) by inserting a comma after "section 308(b)".

(g) Section 305(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)) is amended by striking "legal services" and inserting "legal assistance".

(h) Section 305(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(C)) is amended by inserting "in accordance with subsection (d)" before the semicolon at the end.

(i) Section 306(a)(6)(G) of the Act (42 U.S.C. 3026(a)(6)(G)), as amended by section 137(b), is amended by striking "and" at the end.

(j) Section 306(a)(2)(B) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)(B)) is amended by striking "other neurological and organic brain disorders of the Alzheimer's type" and inserting "related disorders with neurological and organic brain dysfunction".

(k) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) by striking "Each such plan shall—" and inserting "Each such plan shall comply with all of the following requirements:",

(2) in paragraph (1)—

(A) by inserting "The plan shall" after "(1)", and

(B) by striking the semicolon at the end and inserting a period,

(3) in paragraph (2)—

(A) by inserting "The plan shall" after "(2)", and

(B) by striking the semicolon at the end and inserting a period,

(4) in paragraph (3)—

(A) in subparagraph (A) by inserting "The plan shall" after "(3)(A)", and

(B) in subparagraph (B)—

(i) by inserting "The plan shall" after "(B)", and

(ii) by striking the semicolon at the end and inserting a period,

(5) in paragraph (4)—

(A) by inserting "The plan shall" after "(4)", and

(B) by striking the semicolon at the end and inserting a period,

(6) in paragraph (5)—

(A) by inserting "The plan shall" after "(5)", and

(B) by striking the semicolon at the end and inserting a period,

(7) in paragraph (6)—

(A) by inserting "The plan shall" after "(6)", and

(B) by striking the semicolon at the end and inserting a period,

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(8) in paragraph (7)—

(A) by inserting "The plan shall" after "(7)", and

(B) by striking the semicolon at the end and inserting a period,

(9) in paragraph (8)—

(A) by inserting "The plan shall" after "(8)", and

(B) by striking the semicolon at the end and inserting a period,

(10) in paragraph (9)—

(A) by inserting "The plan shall" after "(9)", and
(B) by striking the semicolon at the end and inserting a period,
(11) in paragraph (10)—
(A) by inserting "The plan shall" after "(10)", and
(B) by striking the semicolon at the end and inserting a period,
(12) in paragraph (11)—
(A) by inserting "The plan shall" after "(11)", and
(B) by striking the semicolon at the end and inserting a period,
(13) in paragraph (13)—
(A) by inserting "The plan shall" after "(13)", and
(B) in subparagraph (I) by striking the semicolon at the end and inserting a period,
(14) in paragraph (14)—
(A) by inserting "The plan shall" after "(14)", and
(B) in subparagraph (E) by striking the semicolon at the end and inserting a period,
(15) in paragraph (15)—
(A) by inserting "The plan shall" after "(15)", and
(B) in subparagraph (D) by striking the semicolon and inserting a period,
(16) in paragraph (16)—
(A) by inserting "The plan shall" after "(16)", and
(B) in subparagraph (C) by striking the semicolon at the end and inserting a period,
(17) in paragraph (17)—
(A) by inserting "The plan shall" after "(17)", and
(B) by striking the semicolon at the end and inserting a period,
(18) in paragraph (18)—
(A) by inserting "The plan shall" after "(18)", and
(B) by striking the semicolon at the end and inserting a period,
(19) in paragraph (19)—
(A) by inserting "The plan shall" after "(19)", and
(B) by striking the semicolon at the end and inserting a period, and
(20) in paragraph (20)—
(A) by inserting "The plan shall" after "(20)", and
(B) in subparagraph (B)(ii) by striking "; and" at the end and inserting a period.

(l) Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—
(1) by striking "(b)(1)(A)" and inserting "(b)(1)",
(2) in paragraph (1)—
(A) by striking "(i)" and inserting "(A)", and
(B) by striking "(ii)" the second place it appears and inserting "(B)",
(3) in paragraph (2)—
(A) by striking "(2)(A)" and inserting "(2)",
(B) by striking "(i)" and inserting "(A)", and
(C) by striking "(ii)" the second place it appears and inserting "(B)",
(4) in paragraph (3)(C) by striking "he" and inserting "the Commissioner",
(5) in subparagraphs (A) and (B) of paragraph (5) by striking "appropriated" each place it appears and inserting "allotted", and
(6) in paragraph (5)(B) beginning with the dash strike out all through the period and insert: "not more than 30 percent of the funds allotted for any fiscal year.".

(m) Section 321(a)(10) of the Older Americans Act of 1965 (42

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U.S.C. 3030d(a)(10)) is amended by inserting "for" after "advocate".

(n) Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by striking "Association of Area Agencies on Aging" and inserting "National Association of Area Agencies on Aging".

(o) Section 422(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)(1)) is amended by striking "Alzheimers' disease and other organic and neurological brain disorders of the Alzheimers' type" and inserting "Alzheimer's disease and related disorders with neurological and organic brain dysfunction".

(p) Section 507(1) of the Older Americans Act of 1965 (42 U.S.C. 3056e(2)), as amended by subsection (b)(4), is amended by striking "the Bureau of Labor Statistics" and inserting "the Office of Management and Budget".

PART G—CONSUMER PRICE INDEX FOR OLDER AMERICANS

29 USC 2 note.

SEC. 191. INDEX AUTHORIZED.

The Secretary of Labor shall, through the Bureau of Labor Statistics, develop, from existing data sources, a reweighted index of consumer prices which reflects the expenditures for consumption by Americans 62 years of age and older. The Secretary shall furnish to the Congress the index within 180 days after the date of enactment of this Act. The Secretary shall include with the index furnished a report which explains the characteristics of the reweighted index, the research necessary to develop and measure accurately the rate of inflation affecting such Americans, and provides estimates of time and cost required for additional activities necessary to carry out the objectives of this section.

TITLE II—1991 WHITE HOUSE CONFERENCE ON AGING

42 USC 3001 note.

SEC. 201. WHITE HOUSE CONFERENCE AUTHORIZED.

(a) FINDINGS.—The Congress finds that—

(1) the number of individuals 55 years of age or older was approximately 51,400,000 in 1986, and will, by the year 2040, be approximately 101,700,000,

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(2) more than 1 of every 6 persons 55 years of age or older will be hospitalized during the next year,

(3) persons 55 years of age or older have a higher average out-of-pocket medical cost burden than younger persons; approximately 17 percent of individuals age 55 to 64 experience out-of-pocket costs in excess of 20 percent of their family income and the average per capita out-of-pocket cost of persons 65 years of age or older is expected to equal 18.5 percent of income by 1991,

(4) there is a great need to ensure access and the quality of affordable health care to all older individuals,

(5) the need for a comprehensive and responsive long-term care delivery system is great,

(6) the availability and cost of suitable housing, together with suitable services needed for independent or semi-independent living, still cause concern to older individuals,

(7) the ability to lead an independent or semi-independent life is contingent, in many cases, upon the availability of a comprehensive and effective social service system for older individuals,

(8) the availability and access to opportunities for continued productivity and employment is of great importance to middle-aged and older individuals who want or need to work,

(9) the fulfillment, dignity, and satisfaction of retirees still depend on the continuing development of a consistent national retirement policy,

(10) there is a continuing need to maintain and preserve the national policy with respect to increasing, coordinating, and expediting biomedical and other appropriate research directed at determining the causes and effects of the aging process,

(11) false stereotypes about aging and the process of aging continue to be prevalent throughout the United States and policies should be nurtured to overcome such stereotypes, and

(12) the talents and experience of older individuals represent a valuable community resource which should be developed and more widely shared within the local community.

(b) POLICY.—It is the policy of the Congress that—

(1) the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenges and needs of older individuals, consistent with the objectives of this section, and

(2) in developing programs for the aging pursuant to this section emphasis should be directed toward individual, private, and public initiatives and resources intended to enhance the economic security and self-sufficiency of elder Americans.

SEC. 202. AUTHORIZATION OF THE CONFERENCE.

42 USC 3001 note.

(a) AUTHORITY TO CALL CONFERENCE.—The President may call a White House Conference on Aging in 1991 in order to develop recommendations for additional research and action in the field of aging which will further the policy set forth in subsection (b).

(b) PLANNING AND DIRECTION.—The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner on Aging and the Director of the National Institute on Aging, and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

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(c) PURPOSE OF THE CONFERENCE.—The purpose of the Conference shall be—

(1) to increase the public awareness of the essential contributions of older individuals to society,

(2) to identify the problems of the older individuals,

(3) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations,

(4) to examine the well-being of older individuals,

(5) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of older individuals, and

(6) to review the status of recommendations adopted at previous White House Conferences on Aging.

(d) CONFERENCE PARTICIPANTS AND DELEGATES.—

(1) PARTICIPANTS.—In order to carry out the purposes of this section, the Conference shall bring together—

(A) representatives of Federal, State, and local governments,

(B) professional and lay people who are working in the field of aging, and

(C) representatives of the general public, particularly older individuals.

(2) SELECTION OF DELEGATES.—The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging.

SEC. 203. CONFERENCE ADMINISTRATION.

42 USC 3001 note.

(a) ADMINISTRATION.—In administering this section, the Secretary shall—

(1) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in the carrying out of this section,

(2) furnish all reasonable assistance, including financial assistance, to State agencies on the aging and to area agencies on the aging, and to other appropriate organizations, to enable them to organize and conduct conferences in conjunction with the Conference,

(3) prepare and make available for public comment a proposed agenda for the Conference which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a),

(4) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary, and

(5) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) DUTIES.—The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, assure that—

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(1) the conferences under subsection (a)(2) will—

(A) include a conference on older Indians to identify conditions that adversely affect older Indians, to propose solutions to ameliorate such conditions, and to provide for the exchange of information relating to the delivery of services to older Indians, and

(B) be so conducted as to assure broad participation of older individuals,

Federal Register, publication.

(2) the proposed agenda for the Conference under subsection (a)(3) is published in the Federal Register not less than 180 days before the beginning of the Conference and the proposed agenda is open for public comment for a period of not less than 60 days,

Federal Register, publication.

(3) the final agenda for the Conference under subsection (a)(3), taking into consideration the comments received under paragraph (2), is published in the Federal Register and transmitted to the chief executive officers of the States not later than 30 days after the close of the public comment period provided for under paragraph (2),

(4) the personnel engaged under subsection (a)(5) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities,

(5) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference, and

(6) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this subparagraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.

Grants.

42 USC 3001 note.

SEC. 204. CONFERENCE COMMITTEES.

(a) ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations as appropriate.

(b) OTHER COMMITTEES.—The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference.

(c) COMPOSITION OF COMMITTEES.—Each such committee shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older.

(d) COMPENSATION.—Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily prescribed rate for GS–18 under section 5332 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

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SEC. 205. REPORT OF THE CONFERENCE.

State and local governments.
42 USC 3001 note.

(a) PROPOSED REPORT.—A proposed report of the Conference, which shall include a statement of comprehensive coherent national policy on aging together with recommendations for the implementation of the policy, shall be published and submitted to the chief executive officers of the States not later than 60 days following the date on which the Conference is adjourned. The findings and recommendations included in the published proposed report shall be immediately available to the public.

(b) RESPONSE TO PROPOSED REPORT.—The chief executive officers of the States, after reviewing and soliciting recommendations and comments on the report of the Conference, shall submit to the Secretary, not later than 180 days after receiving the report, their views and findings on the recommendations of the Conference.

(c) FINAL REPORT.—The Secretary shall, after reviewing the views and recommendations of the chief executive officers of the States, prepare a final report of the Conference, which shall include a compilation of the actions of the chief executive officers of the States and take into consideration the views and findings of such officers.

(d) RECOMMENDATIONS OF SECRETARY.—The Secretary shall, within 90 days after submission of the views of the chief executive officers of the States, publish and transmit to the President and to the Congress recommendations for the administrative action and the legislation necessary to implement the recommendations contained within the report.

SEC. 206. DEFINITIONS.

42 USC 3001 note.

For the purposes of this title—

(1) the term "area agency on aging" means the agency designated under section 305(a)(2)(A) of the Act,

(2) the term "State agency on aging" means the State agency designated under section 305(a)(1) of the Act,

(3) the term "Secretary" means the Secretary of Health and Human Services,

(4) the term "Conference" means the White House Conference on Aging authorized in subsection (b), and

(5) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

42 USC 3001 note.

(a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary, for each of the fiscal years 1989, 1990, and 1991, to carry out this title. Sums appropriated under this paragraph shall remain available until the expiration of the 1-year period beginning on the date the Conference is adjourned. New spending authority or authority to enter into contracts as provided

in this section shall be effective only to the extent and in such amounts as are provided in advance in appropriations Acts.

(b) RETURN OF UNEXPENDED FUNDS.—Any funds remaining upon the expiration of such 1-year period shall be returned to the Treas-
101 STAT. 972 ury of the United States and credited as miscellaneous receipts.

TITLE III—ALZHEIMER'S DISEASE RESEARCH

42 USC 285e-2 note.

SEC. 301. REQUIREMENT FOR CLINICAL TRIALS.

(a) IN GENERAL.—The Director of the National Institute on Aging shall provide for the conduct of clinical trials on the efficacy of the use of such promising therapeutic agents as have been or may be discovered and recommended for further scientific analysis by the National Institute on Aging and the Food and Drug Administration to treat individuals with Alzheimer's disease, to retard the progression of symptoms of Alzheimer's disease, or to improve the functioning of individuals with such disease.

(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to affect adversely any research being conducted as of the date of the enactment of this Act.

42 USC 285e-2 note.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out section 301, there is authorized to be appropriated $2,000,000 for fiscal year 1988.

TITLE IV—NATIONAL SCHOOL LUNCH ACT AMENDMENT

SEC. 401. PARTICIPATION OF OLDER PERSONS AND CHRONICALLY IMPAIRED DISABLED PERSONS IN CHILD CARE FOOD PROGRAM.

Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

"(p)(1) For purposes of this section, adult day care centers shall be considered eligible institutions for reimbursement for meals or supplements served to persons 60 years of age or older or to chronically impaired disabled persons, including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction. Reimbursement provided to such institutions for such purposes shall improve the quality of meals or level of services provided or increase participation in the program.

"(2) For purposes of this subsection—

"(A) the term 'adult day care center' means any public agency or private nonprofit organization, or any proprietary title XIX or title XX center, which—

"(i) is licensed or approved by Federal, State, or local authorities to provide adult day care services to chronically impaired disabled adults or persons 60 years of age or older in a group setting outside their homes on a less than 24-hour basis; and

"(ii) provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services; and

"(B) the term 'proprietary title XIX or title XX center' means any private, for-profit center providing adult day care services for which it receives compensation from amounts granted to the States under title XIX or XX of the Social Security Act and which title XIX or title XX beneficiaries were not less than 25 percent of enrolled eligible participants in a calendar month

preceding initial application or annual reapplication for program participation. 101 STAT. 973

"(3)(A) The Secretary of Agriculture, in consultation with the Commissioner on Aging, may establish separate guidelines for reimbursement of institutions described in this subsection.

"(B) The guidelines shall contain provisions designed to assure that reimbursement under this subsection shall not duplicate reimbursement under part C of title III of the Older Americans Act of 1965, for the same meal served.".

TITLE V—NATIVE AMERICAN PROGRAMS

Native American Programs Act Amendments of 1987. 42 USC 2991 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Native American Programs Act Amendments of 1987".

SEC. 502. REVIEW OF APPLICATIONS FOR ASSISTANCE.

The Native American Programs Act of 1974 (42 U.S.C. 2991-2992d) is amended—

(1) in the first sentence of section 803(a) by inserting ", on a single year or multiyear basis," after "financial assistance", 42 USC 2991b.

(2) by redesignating sections 813 and 814 as sections 815 and 816, respectively, 42 USC 2992c, 2992d.

(3) by redesignating sections 806 through 812, as sections 807 through 813, respectively, and 42 USC 2991e-2992b.

(4) by inserting after section 805 the following:

"PANEL REVIEW OF APPLICATIONS FOR ASSISTANCE

"SEC. 806. (a)(1) The Secretary shall establish a formal panel review process for purposes of— 42 USC 2991d-1.

"(A) evaluating applications for financial assistance under sections 803 and 805; and

"(B) determining the relative merits of the projects for which such assistance is requested.

"(2) To implement the process established under paragraph (1), the Secretary shall appoint members of review panels from among individuals who are not officers or employees of the Administration for Native Americans. In making appointments to such panels, the Secretary shall give preference to American Indians, Native Hawaiians, and Alaskan Natives.

"(b) Each review panel appointed under subsection (a)(2) that reviews any application for financial assistance shall—

"(1) determine the merit of each project described in such application;

"(2) rank such application with respect to all other applications it reviews for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested; and

"(3) submit to the Secretary a list that identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2).

"(c) Upon the request of the chairman of the Select Committee on Indian Affairs of the Senate or of the chairman of the Committee on Education and Labor of the House of Representatives made with respect to any application for financial assistance under section 803 or 805, the Secretary shall transmit to the chairman written notice— 101 STAT. 974

"(1) identifying such application;

"(2) containing a copy of the list submitted to the Secretary under subsection (b)(3) in which such application is ranked;

"(3) specifying which other applications ranked in such list have been approved by the Secretary under sections 803 and 805; and

"(4) if the Secretary has not approved each application superior in merit, as indicated on such list, to the application with respect to which such notice is transmitted, containing a statement of the reasons relied upon by the Secretary for—

"(A) approving the application with respect to which such notice is transmitted; and

"(B) failing to approve each pending application that is superior in merit, as indicated on such list, to the application described in subparagraph (A).".

SEC. 503. PROCEDURAL REQUIREMENTS.

(a) RULEMAKING.—The Native American Programs Act of 1974 (42 U.S.C. 2991-2992d) is amended by inserting after section 813, as so redesignated by section 502, the following:

"ADDITIONAL REQUIREMENTS APPLICABLE TO RULEMAKING

Loans.
Grants.
Contracts.
42 USC 2992b-1

"SEC. 814. (a) Notwithstanding subsection (a) of section 553 of title 5, United States Code, and except as otherwise provided in this section, such section 553 shall apply with respect to the establishment and general operation of any program that provides loans, grants, benefits, or contracts authorized by this title.

"(b)(1) Subparagraph (A) of the last sentence of section 553(b) of title 5, United States Code, shall not apply with respect to any interpretative rule or general statement of policy—

"(A) proposed under this title; or

"(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this title.

"(2) Subparagraph (B) of the last sentence of section 553(b) of title 5, United States Code, shall not apply with respect to any rule (other than an interpretative rule or a general statement of policy)—

"(A) proposed under this title; or

"(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this title.

"(3) The first 2 sentences of section 553(b) of title 5, United States Code, shall apply with respect to any rule (other than an interpretative rule, a general statement of policy, or a rule of agency organization, procedure, or practice) that is—

"(A) proposed under this title; or

"(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this title;

unless the Secretary for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in such rule) that notice and public procedure thereon are contrary to the public interest or would impair the effective administration of any program, project, or activity with respect to which such rule is issued.

"(c) Notwithstanding section 553(d) of title 5, United States Code, no rule (including an interpretative rule) or general statement of policy that—

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"(1) is issued to carry out this title; or

"(2) applies exclusively to any program, project, or activity authorized by, or carried out under, this title;

may take effect until 30 days after the publication required under the first 2 sentences of section 553(b) of title 5, United States Code.

"(d) Each rule (including an interpretative rule) and each general statement of policy to which this section applies shall contain after each of its sections, paragraphs, or similar textual units a citation to the particular provision of statutory or other law that is the legal authority for such section, paragraph, or unit.

"(e) Except as provided in subsection (c), if as a result of the enactment of any law affecting the administration of this title it is necessary or appropriate for the Secretary to issue any rule (including any interpretative rule) or a general statement of policy, the Secretary shall issue such rule or such general statement of policy not later than 180 days after the date of the enactment of such law.

"(f) Whenever an agency publishes in the Federal Register a rule

(including an interpretative rule) or a general statement of policy to which subsection (c) applies, such agency shall transmit a copy of such rule or such general statement of policy to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

(b) DEFINITION OF RULE.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c), as so redesignated by section 502, is amended—

(1) in paragraph (3) by striking "and" at the end thereof,

(2) by redesignating paragraph (4) as paragraph (5), and

(3) by inserting after paragraph (3) the following:

"(4) the term 'rule' has the meaning given it in section 551(4) of title 5, United States Code, as amended from time to time; and".

SEC. 504. INCLUSION OF OTHER NATIVE AMERICAN PACIFIC ISLANDERS.

(a) FINANCIAL ASSISTANCE.—Section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)) is amended by inserting after the first sentence the following: "The Secretary is authorized, subject to the availability of funds appropriated under the authority of section 816(c), to provide financial assistance to public and nonprofit private agencies serving other Native American Pacific Islanders (including American Samoan Natives) for projects pertaining to the purposes of this Act.".

(b) CONFORMING AMENDMENTS.—(1) Section 802 of the Native American Programs Act of 1974 (42 U.S.C. 2991a) is amended by inserting ", other Native American Pacific Islanders (including American Samoan Natives)," after "Hawaiian Natives".

(2) Section 806(a)(2) of the Native American Programs Act, as added by section 502(4) of this Act, is amended by inserting "other Native American Pacific Islanders (including American Samoan Natives)," after "Hawaiian Natives,". 42 USC 2991d-1.

(3) Section 808 of the Native American Programs Act of 1974 (42 U.S.C. 2991f), as so redesignated by section 502, is amended by inserting "or Territory" after "State" each place it appears.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d), as so redesignated by section 502 of this Act, is amended— 101 STAT. 976

(1) in subsection (a) by striking "1979 through 1986" and inserting "1988, 1989, 1990, and 1991", and

(2) by adding at the end the following:

"(c)(1) Except as provided in paragraph (2), there are authorized to be appropriated $500,000 for each of the fiscal years 1988, 1989, 1990, and 1991 for the purpose of providing financial assistance to other Native American Pacific Islanders (including American Samoan Natives) under section 803(a).

"(2) No funds may be appropriated under paragraph (1) for a fiscal year unless the amount appropriated under subsection (a) for such fiscal year exceeds 105 percent of the amount appropriated under subsection (a) for the preceding fiscal year.".

SEC. 506. REVOLVING LOAN FUND FOR NATIVE HAWAIIANS.

(a) ESTABLISHMENT OF FUND AND AUTHORITY FOR GRANTS.—The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended by inserting after section 803 the following:

"LOAN FUND; DEMONSTRATION PROJECT

"SEC. 803A. (a)(1) In order to provide funding that is not available from private sources, the Secretary shall award grants to one agency of the State of Hawaii, or to one community-based Native Hawaiian organization whose purpose is the economic and social self-sufficiency of Native Hawaiians, which shall use such grants to establish 42 USC 2991b-1.

and carry out, in the State of Hawaii, a 5-year demonstration project involving the establishment of a revolving loan fund—

"(A) from which such agency or Native Hawaiian organization shall make loans to Native Hawaiian organizations and to individual Native Hawaiians for the purpose of promoting economic development in the State of Hawaii; and

"(B) into which all payments, interest, charges, and other amounts collected from loans made under subparagraph (A) shall be deposited notwithstanding any other provision of law.

"(2) The agreement under which a grant is awarded under paragraph (1) shall contain provisions which set forth the administrative costs of the grantee that are to be paid out of the funds provided under the grant.

"(b)(1) The agency or organization to which a grant is awarded under subsection (a)(1) may make loans to a borrower under subsection (a)(1)(A) only if the agency or organization determines that—

"(A) the borrower is unable to obtain financing from other sources on reasonable terms and conditions; and

"(B) there is a reasonable prospect that the borrower will repay the loan.

"(2) Loans made under subsection (a)(1)(A) shall be—

"(A) for a term that does not exceed 5 years; and

"(B) at a rate of interest that is 2 percentage points below the average market yield on the most recent public offering of United States Treasury bills occurring before the date on which the loan is made.

"(3) The agency or organization to which a grant is awarded under subsection (a)(1) may require any borrower of a loan made under subsection (a)(1)(A) to provide such collateral as the agency or organization determines to be necessary to secure the loan.

101 STAT. 977

"(4) Prior to making loans under subsection (a)(1)(A), the agency or organization to which a grant is awarded under subsection (a)(1) shall establish written procedures and definitions pertaining to defaults and collections of payments under the loans which shall be subject to the review and approval of the Secretary. Such agency or organization shall provide to each applicant for a loan under subsection (a)(1)(A), at the time application for the loan is made, a written copy of such procedures and definitions.

"(5) The agency or organization to which a grant is awarded under subsection (a)(1) may not lend to itself any of the funds awarded under the grant.

"(6) No loan may be made from the revolving fund that is required to be established under subsection (a) after the close of the 5-year period beginning on the date of enactment of the Native American Programs Act Amendments of 1987.

"(c)(1) The agency or organization to which a grant is awarded under subsection (a)(1) shall provide the Secretary at regular intervals written notice of each loan made under subsection (a)(1)(A) that is in default and the status of such loan.

"(2)(A) After making reasonable efforts to collect all amounts payable under a loan made under subsection (a)(1)(A) that is in default, the agency or organization to which a grant is awarded under subsection (a)(1) shall notify the Secretary that such loan is uncollectable or collectable only at an unreasonable cost. Such notice shall include recommendations for future action to be taken by the agency or organization.

"(B) Upon receiving such notice, the Secretary shall instruct the agency or organization—

"(i) to continue with its collection activities;

"(ii) to cancel, adjust, compromise, or reduce the amount of such loan; or

"(iii) to modify any term or condition of such loan, including any term or condition relating to the rate of interest or the time of payment of any installment of principal or interest, or portion thereof, that is payable under such loan.

"(C) The agency or organization shall carry out all instructions received under subparagraph (B) from the Secretary.

"(d)(1) The agency or organization to which a grant is awarded under subsection (a)(1) shall, out of funds available in the revolving loan fund established under such subsection—

"(A) pay expenses incurred by the agency or organization in administering the revolving loan fund; and

"(B) provide competent management and technical assistance to borrowers of loans made under subsection (a)(1)(A) to assist the borrowers to achieve the purposes of such loans.

"(2) The Secretary shall provide to the agency or organization to which a grant is made under subsection (a)(1) such management and technical assistance as the agency or organization may request in order to carry out the provisions of this section.

"(e) Not later than 120 days after the date of enactment of the Native American Programs Act Amendments of 1987, the Secretary, in consultation with appropriate agencies of the State of Hawaii and community-based Native Hawaiian organizations, shall prescribe regulations which set forth the procedures and criteria to be used— Regulations.

"(1) in making loans under subsection (a)(1)(A); and

"(2) in canceling, adjusting, compromising, and reducing under subsection (c) the outstanding amounts of such loans. 101 STAT. 978

The Secretary may prescribe such other regulations as may be necessary to carry out the purposes of this section, including regulations involving reporting and auditing.

"(f)(1) There is authorized to be appropriated for fiscal years 1988, 1989, and 1990 the aggregate amount $3,000,000 for all such fiscal years for the purpose of carrying out the provisions of this section. Any amount appropriated under this paragraph shall remain available for expenditure without fiscal year limitation. Appropriation authorizations.

"(2) The revolving loan fund that is required to be established under subsection (a)(1) shall be maintained as a separate account. Any portion of the revolving loan fund that is not required for expenditure shall be invested in obligations of the United States or in obligations guaranteed or insured by the United States.

"(3)(A) All monies that are in the revolving loan fund at the close of the 5-year period beginning on the date of enactment of the Native American Programs Act Amendments of 1987 and that are not otherwise needed (as determined by the Secretary) to carry out the provisions of this section shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(B) All monies deposited in the revolving loan fund after the close of such period pursuant to subsection (a)(1)(B) shall be deposited into the Treasury of the United States as miscellaneous receipts.

"(g)(1) The Secretary, in consultation with the agency or organization to which a grant is awarded under subsection (a)(1), shall submit to the Congress— Reports.

"(A) an interim report not later than 2 years after the date of enactment of the Native American Programs Act Amendments of 1987; and

"(B) a final report not later than 4 years after the date of enactment of the Native American Programs Act Amendments of 1987;

regarding the administration of this section.

"(2) Each such report shall include the views and recommendations of the Secretary regarding—

"(A) the effectiveness of the demonstration project;

"(B) whether the demonstration project should be expanded to other groups eligible for assistance under this title; and

"(C) whether the duration of the demonstration project should be extended.

(b) CONFORMING AMENDMENTS.—Subsections (a) and (b) of section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d),

as so redesignated by section 502, are each amended by inserting "(other than section 803A)" after "title".

(c) TECHNICAL AMENDMENTS.—The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

42 USC 2991a

(1) in section 802 by striking "Hawaiian Natives" and inserting "Native Hawaiians", and

42 USC 2991b

101 STAT. 979

(2) in the first sentence of section 803 by striking "Hawaiian Natives" and inserting "Native Hawaiians".

TITLE VI—HEALTH CARE SERVICES IN THE HOME

Health Care Services in the Home Act of 1987.

State and local governments.

42 USC 201 note.

SEC. 601. SHORT TITLE.

This title may be cited as the "Health Care Services in the Home Act of 1987".

SEC. 602. ESTABLISHMENT OF GRANT PROGRAMS FOR DEMONSTRATION PROJECTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART K—HEALTH CARE SERVICES IN THE HOME

"Subpart I—Grants for Demonstration Projects

42 USC 280c.

"SEC. 395. ESTABLISHMENT OF PROGRAM.

Disadvantaged persons.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make not less than 3, and not more than 5, grants to States for the purpose of assisting grantees in carrying out demonstration projects—

"(1) to identify low-income individuals who can avoid institutionalization or prolonged hospitalization if skilled medical services or related health services (or both) are provided in the homes of the individuals;

"(2) to pay the costs of the provision of such services in the homes of such individuals; and

"(3) to coordinate the provision by public and private entities of such services, and other long-term care services, in the homes of such individuals.

"(b) REQUIREMENT WITH RESPECT TO AGE OF RECIPIENTS OF SERVICES.—The Secretary may not make a grant under subsection (a) to a State unless the State agrees to ensure that not less than 25 percent of individuals receiving services pursuant to subsection (a) are individuals who are not less than 65 years of age.

"(c) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—A State may not make payments from a grant under subsection (a) for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

42 USC 280c-1.

"SEC. 396. LIMITATION ON DURATION OF GRANT AND REQUIREMENT OF MATCHING FUNDS.

"(a) LIMITATION ON DURATION OF GRANT.—The period during which payments are made to a State from a grant under section 395(a) may not exceed 3 years. Such payments shall be subject to annual evaluation by the Secretary.

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1)(A) For the first year of payments to a State from a grant under section 395(a), the Secretary may not make such payments in an amount exceeding 75 percent of the costs of services to be provided by the State pursuant to such section. 101 STAT. 980

"(B) For the second year of such payments to a State, the Secretary may not make such payments in an amount exceeding 65 percent of the costs of such services.

"(C) For the third year of such payments to a State, the Secretary may not make such payments in an amount exceeding 55 percent of the costs of such services.

"(2) The Secretary may not make a grant under section 395(a) to a State unless the State agrees to make available, directly or through donations from public or private entities, non-Federal contributions toward the costs of services to be provided pursuant to such section in an amount equal to—

"(A) for the first year of payments to the State from the grant, not less than $25 (in cash or in kind under subsection (c)) for each $75 of Federal funds provided in the grant;

"(B) for the second year of such payments to the State, not less than $35 (in cash or in kind under subsection (c)) for each $65 of such Federal funds; and

"(C) for the third year of such payments to the State, not less than $45 (in cash or in kind under subsection (c)) for each $55 of such Federal funds.

"(c) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subsection (b) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"SEC. 397. GENERAL PROVISIONS. 42 USC 280c-2

"(a) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under section 395(a) to a State unless the State agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(b) DESCRIPTION OF INTENDED USE OF GRANT.—The Secretary may not make a grant under section 395(a) to a State unless—

"(1) the State submits to the Secretary a description of the purposes for which the State intends to expend the grant; and

"(2) such description provides information relating to the programs and activities to be supported and services to be provided, including—

"(A) the number of individuals who will receive services pursuant to section 395(a) and the average costs of providing such services to each such individual; and

"(B) a description of the manner in which such programs and activities will be coordinated with any similar programs and activities of public and private entities.

"(c) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under section 395(a) to a State unless the State has submitted to the Secretary an application for the grant. The application shall—

"(1) contain the description of intended expenditures required in subsection (b); 101 STAT. 981

"(2) with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary; and

"(3) otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary determines to be necessary to carry out this subpart.

"(d) EVALUATIONS AND REPORT BY SECRETARY.—The Secretary shall—

"(1) provide for an evaluation of each demonstration project for which a grant is made under section 395(a); and

"(2) not later than 6 months after the completion of such evaluations, submit to the Congress a report describing the findings made as a result of the evaluations.

"(e) AUTHORIZATIONS OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1988 through 1990.

"Subpart II—Grants for Demonstrations Projects With Respect to Alzheimer's Disease

42 USC 280c-3. "SEC. 398. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary shall make not less than 3, and not more than 5, grants to States for the purpose of assisting grantees in carrying out demonstration projects for planning, establishing, and operating programs—

"(1) to coordinate the development and operation by public and private organizations of diagnostic, treatment, care management, respite care, legal counseling, and education services provided within the State to individuals with Alzheimer's disease or related disorders and to the families and care providers of such individuals;

"(2) to provide home health care, personal care, day care, companion services, short-term care in health facilities, and other respite care to individuals with Alzheimer's disease or related disorders; and

Public information.

"(3) to provide to health care providers, to individuals with Alzheimer's disease or related disorders, to the families of such individuals, to organizations established for such individuals and such families, and to the general public, information with respect to—

"(A) diagnostic services, treatment services, and related services available to such individuals and to the families of such individuals;

"(B) sources of assistance in obtaining such services, including assistance under entitlement programs; and

"(C) the legal rights of such individuals and such families.

"(b) REQUIREMENT WITH RESPECT TO CERTAIN EXPENDITURES.—The Secretary may not make a grant under subsection (a) to a State unless the State agrees to expend not less than 50 percent of the grant for the provision of services described in subsection (a)(2).

"(c) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—A State may not make payments from a grant under subsection (a) for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

101 STAT. 982

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

42 USC 280c-4. "SEC. 399. LIMITATION ON DURATION OF GRANT AND REQUIREMENT OF MATCHING FUNDS.

"(a) LIMITATION ON DURATION OF GRANT.—The period during which payments are made to a State from a grant under section 398(a) may not exceed 3 years. Such payments shall be subject to annual evaluation by the Secretary.

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1)(A) For the first year of payments to a State from a grant under section 398(a), the Secretary may not make such payments in an amount exceeding 75 percent of the costs of services to be provided by the State pursuant to such section.

"(B) For the second year of such payments to a State, the Secretary may not make such payments in an amount exceeding 65 percent of the costs of such services.

"(C) For the third year of such payments to a State, the Secretary may not make such payments in an amount exceeding 55 percent of the costs of such services.

"(2) The Secretary may not make a grant under section 398(a) to a State unless the State agrees to make available, directly or through donations from public or private entities, non-Federal contributions toward the costs of services to be provided pursuant to such section in an amount equal to—

"(A) for the first year of payments to the State from the grant, not less than $25 (in cash or in kind under subsection (c)) for each $75 of Federal funds provided in the grant;

"(B) for the second year of such payments to the State, not less than $35 (in cash or in kind under subsection (c)) for each $65 of such Federal funds; and

"(C) for the third year of such payments to the State, not less than $45 (in cash or in kind under subsection (c)) for each $55 of such Federal funds.

"(c) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subsection (b) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"SEC. 399A. GENERAL PROVISIONS. 42 USC 280c-5

"(a) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under section 398(a) to a State unless the State agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(b) DESCRIPTION OF INTENDED USE OF GRANT.—The Secretary may not make a grant under section 398(a) to a State unless—

"(1) the State submits to the Secretary a description of the purposes for which the State intends to expend the grant; and

"(2) such description provides information relating to the programs and activities to be supported and services to be provided, including— 101 STAT. 983

"(A) the number of individuals who will receive services pursuant to section 398(a) and the average costs of providing such services to each such individual; and

"(B) a description of the manner in which such programs and activities will be coordinated with any similar programs and activities of public and private entities.

"(c) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under section 398(a) to a State unless the State has submitted to the Secretary an application for the grant. The application shall—

"(1) contain the description of intended expenditures required in subsection (b);

"(2) with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary; and

"(3) otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary determines to be necessary to carry out this subpart.

"(d) EVALUATIONS AND REPORT BY SECRETARY.—The Secretary shall—

"(1) provide for an evaluation of each demonstration project for which a grant is made under section 398(a); and

"(2) not later than 6 months after the completion of such evaluations, submit to the Congress a report describing the findings made as a result of the evaluations.

"(e) AUTHORIZATIONS OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1988 through 1990.".

TITLE VII—GENERAL PROVISIONS

42 USC 3001 note.

SEC. 701. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on October 1, 1987.

(b) APPLICATION OF AMENDMENTS.—The amendments made by title I of this Act shall not apply with respect to—

(1) any area plan submitted under section 306(a) of the Older
101 STAT. 984 Americans Act of 1965, or

(2) any State plan submitted under section 307(a) of such Act, and approved for any fiscal year beginning before the date of the enactment of this Act.

(c) EFFECTIVE DATE OF SECTION 506.—The amendments made by section 506 of this Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

Approved November 29, 1987.

LEGISLATIVE HISTORY—H.R. 1451 (S. 887):

HOUSE REPORTS: No. 100-97 (Comm. on Education and Labor) and No. 100-427 (Comm. of Conference).
SENATE REPORTS: No. 100-136 (Comm. on Labor and Human Resources) and No. 100-140 (Select Comm. on Indian Affairs), both accompanying S. 887.
CONGRESSIONAL RECORD, Vol. 133 (1987):
May 27, 28, considered and passed House.
Aug. 6, considered and passed Senate, amended, in lieu of S. 887.
Nov. 10, 12, Senate agreed to conference report.
Nov. 17, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Nov. 30, Presidential statement.

101 STAT. 986

Public Law 100-177
100th Congress

An Act

Dec. 1, 1987
[S. 1158]

To amend the Public Health Service Act to establish a National Health Service Corps Loan Repayment Program and to otherwise revise and extend the program for the National Health Service Corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public Health Service Amendments of 1987.
42 USC 201 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Health Service Amendments of 1987".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Public Health Service Act.

TITLE I—HEALTH RESEARCH, TECHNOLOGY, STATISTICS, AND PREVENTIVE HEALTH PROGRAMS

Sec. 101. Establishment of certain rural programs of National Center for Health Services Research and Health Care Technology Assessment.
Sec. 102. Duties and composition of National Advisory Council on Health Care Technology Assessment.
Sec. 103. Prohibition against altering certain administrative relationships.
Sec. 104. National Center for Health Statistics.
Sec. 105. National Committee on Vital and Health Statistics.
Sec. 106. Health care reports and profiles.

Sec. 107. Requirement of peer review groups for evaluations of grant proposals.
Sec. 108. Authorization of appropriations.
Sec. 109. Requirement with respect to amount of non-Federal contributions in grant program for Council on Health Care Technology.
Sec. 110. Project grants for preventive health projects for immunizations.
Sec. 111. Project grants for preventive health projects for tuberculosis; additional grants.

TITLE II—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

Sec. 201. Establishment of loan repayment program.
Sec. 202. Technical and conforming amendments.
Sec. 203. Report and authorization of appropriations for scholarship and loan repayment programs; State programs.
Sec. 204. Special repayment provisions.
Sec. 205. Regulations.

TITLE III—NATIONAL HEALTH SERVICE CORPS

Sec. 301. Requirement of consideration of needs of Indian Health Service, certain indian tribes, and the homeless.
Sec. 302. Designation of health manpower shortage areas.
Sec. 303. Placement of physicians.
Sec. 304. Assignment of family physicians.
Sec. 305. Authorizations of appropriations for general operations of National Health Service Corps.
Sec. 306. Obligated service.
Sec. 307. Private practice.
Sec. 308. Discharge of obligations in bankruptcy.
Sec. 309. Special loans for Corps members to enter private practice. 101 STAT. 987

TITLE IV—MISCELLANEOUS

Sec. 401. Geriatric medicine training projects.
Sec. 402. Professional review activities.

SEC. 2. REFERENCES TO THE PUBLIC HEALTH SERVICE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

TITLE I—HEALTH RESEARCH, TECHNOLOGY, STATISTICS, AND PREVENTIVE HEALTH PROGRAMS

SEC. 101. ESTABLISHMENT OF CERTAIN RURAL PROGRAMS OF NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND HEALTH CARE TECHNOLOGY ASSESSMENT.

Section 305 (42 U.S.C. 242c) is amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) In carrying out section 304(a), the Secretary, acting through the Center, shall undertake and support research, evaluation, and demonstration projects (that may include and shall be appropriately coordinated with experiments and demonstration activities authorized by the Social Security Act (42 U.S.C. 301 et seq.) and the Social Security Amendments of 1967 (Public Law 90-248; 81 Stat. 821)) respecting the delivery of health care services in rural areas (including frontier areas), which may include projects with respect to—

"(1) the future of the rural hospital;
"(2) long-term health care for the rural elderly;
"(3) hospital care for the rural poor and uninsured; and
"(4) alternative health care delivery systems and managed health care in rural areas.".

Health care facilities.
Aged persons.
Disadvantaged persons.

SEC. 102. DUTIES AND COMPOSITION OF NATIONAL ADVISORY COUNCIL ON HEALTH CARE TECHNOLOGY ASSESSMENT.

Section 305(h) (as redesignated in section 101(1) of this Act) is amended—

(1) in the last sentence of paragraph (1), by striking out "shall assist the Director in developing" and inserting in lieu thereof "shall make recommendations to the Director with respect to the development of"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3)(A) The Secretary shall appoint to the Council—

"(i) six individuals distinguished in the fields of medicine, engineering, and science (including social science);

"(ii) four individuals distinguished in the fields of law, ethics, economics, and management; and

"(iii) two individuals representing the interests of consumers of health care services.

101 STAT. 988

"(B) The Secretary shall ensure that members of the Council, as a group, are representative of professions and entities concerned with, or affected by, health care technology.".

42 USC 242c note.

SEC. 103. PROHIBITION AGAINST ALTERING CERTAIN ADMINISTRATIVE RELATIONSHIPS.

With respect to carrying out section 305 of the Public Health Service Act (42 U.S.C. 242c), the Secretary may not alter the administrative relationship between the Assistant Secretary for Health and the Director of the National Center for Health Services Research and Health Care Technology Assessment, as in effect during fiscal year 1986.

SEC. 104. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(a) (42 U.S.C. 242k(a)) is amended by striking out "and supervised" and all that follows through the period and inserting in lieu thereof a period.

SEC. 105. NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS.

(a) IN GENERAL.—Section 306(k) (42 U.S.C. 242k(k)) is amended—

(1) in paragraph (1), by striking out "fifteen" and inserting in lieu thereof "16";

(2) in the second sentence of paragraph (2)(A), by striking out "three" and inserting in lieu thereof "4"; and

(3) in paragraph (2), by striking out subparagraph' (B) and inserting in lieu thereof the following:

"(B)(i) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) that expire in calendar year 1988, the appointments to three such terms in such calendar year shall be for a period of 4 years and the appointments to two such terms in such calendar year shall be for a period of 3 years, as designated by the Secretary.

"(ii) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) that expire in calendar year 1989, one such term shall be extended for an additional consecutive 1-year period, as designated by the Secretary.

"(iii) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) that expire in calendar year 1990, two of such terms shall each be extended for an additional consecutive 1-year period, as designated by the Secretary.".

42 USC 242k note.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on January 1, 1988.

SEC. 106. HEALTH CARE REPORTS AND PROFILES.

(a) REPORTS.—Section 308 (42 U.S.C. 242m(a)) is amended—

(1) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs:

"(1) Not later than March 15 of each year, the Secretary shall submit to the President and Congress the following reports:

"(A) A report on—

"(i) the administration of sections 304 through 307 and section 309 during the preceding fiscal year; and

"(ii) the current state and progress of health services research, health statistics, and health care technology. 101 STAT. 989

"(B) A report on health care costs and financing. Such report shall include a description and analysis of the statistics collected under section 306(b)(1)(G).

"(C) A report on health resources. Such report shall include a description and analysis, by geographical area, of the statistics collected under section 306(b)(1)(E).

"(D) A report on the utilization of health resources. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b)(1)(F).

"(E) A report on the health of the Nation's people. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b)(1)(A).

"(2) The reports required by subparagraphs (B) through (E) of paragraph (2) shall be prepared through the National Center for Health Services Research and Health Care Technology Assessment and the National Center for Health Statistics."; and

(2) in paragraph (3), by striking out "or (2)".

(b) NATIONAL DISEASE PREVENTION DATA PROFILES.—The first sentence of section 404(a) of the Health Services and Centers Amendments of 1978 (42 U.S.C. 242p(a)) is amended by striking out "on December 1, 1980, and on December 1 of every third year thereafter" and inserting in lieu thereof "on March 15, 1990, and on March 15 of every third year thereafter".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to reports and profiles required to be submitted after November 1, 1987. 42 USC 242m note.

SEC. 107. REQUIREMENT OF PEER REVIEW GROUPS FOR EVALUATIONS OF GRANT PROPOSALS.

Section 308(b) (42 U.S.C. 242m(b)) is amended—

(1) in paragraph (1), by inserting before the period at the end thereof the following: "and unless a peer review group referred to in paragraph (2) has recommended the application for approval"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Each application submitted for a grant or contract under section 304 or 305, in an amount exceeding $50,000 of direct costs and for a health services research, evaluation, or demonstration project, shall be submitted to a peer review group for an evaluation of the technical and scientific merits of the proposals made in each such application. The Secretary, acting through the Director of the National Center for Health Services Research and Health Care Technology Assessment (or, as appropriate, through the Director of the National Center for Health Statistics), shall establish such peer review groups as may be necessary to provide for such an evaluation of each such application.

"(B) A peer review group to which an application is submitted pursuant to subparagraph (A) shall report its finding and recommendations respecting the application to the Secretary, acting through the Director involved, in such form and manner as the Secretary shall by regulation prescribe. The Secretary may not approve an application described in such subparagraph unless a peer review group has recommended the application for approval. Reports.

101 STAT. 990

"(C) The Secretary, acting through the Directors, shall make appointments to the peer review groups required in subparagraph (A) from among persons who are not officers or employees of the United States and who possess appropriate technical and scientific qualifications.".

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Subsection (i) of section 308 (42 U.S.C. 242m(i)) is amended to read as follows:

"(i)(1)(A) For health service research, evaluation, and demonstration activities undertaken or supported under section 304 or 305, there are authorized to be appropriated $30,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990. At least 20 percent of the amount appropriated under the preceding sentence for any fiscal year or $6,000,000, whichever is less, shall be available only for health services research, evaluation and demonstration activities directly undertaken through the National Center for Health Services Research and Health Care Technology Assessment, and at least 10 percent of such amount or $1,500,000 whichever is less, shall be available only for the user liaison program and the technical assistance program referred to in section 305(d)(2) and for dissemination activities directly undertaken through such Center.

"(B) For health care technology assessment activities undertaken under subsections (b)(5), (g), and (h) of section 305, the Secretary shall obligate from funds appropriated under this paragraph not less than $4,500,000 for each of the fiscal years 1988 through 1990.

"(C) For grants under section 309, the Secretary shall make available from funds appropriated under this paragraph not more than $750,000 for each of the fiscal years 1988 through 1990. Of such amounts made available, the Secretary shall, with respect to non-Federal contributions made available by grantees pursuant to section 309(a)(2)(B), obligate during each such fiscal year such amounts as may be necessary to pay the Federal share appropriate under such section as a result of such contributions.

"(D) Of the amounts appropriated under this paragraph for any fiscal year, not more than $1,500,000 may be used for grants and contracts for all the costs of planning, establishing, and operating centers under section 305(e).

"(2) For health statistical and epidemiological activities undertaken or supported under section 304 or 306, there are authorized to be appropriated $55,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

SEC. 109. REQUIREMENT WITH RESPECT TO AMOUNT OF NON-FEDERAL CONTRIBUTIONS IN GRANT PROGRAM FOR COUNCIL ON HEALTH CARE TECHNOLOGY.

Section 309(a)(2)(B) (42 U.S.C. 242n(a)(2)(B)) is amended by inserting before the period at the end thereof the following: ", except that for fiscal years 1988 and 1989, the Secretary may only require expenditures from non-Federal sources in an amount not less than the amount of the grant applied for".

SEC. 110. PROJECT GRANTS FOR PREVENTIVE HEALTH PROJECTS FOR IMMUNIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 317(j) (42 U.S.C. 247b(j)(1)) is amended to read as follows:

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"(1)(A) Except for grants for immunization programs the authorization of appropriations for which are established in subparagraph (B), for grants under subsections (a) and (k)(1) for preventive health service programs to immunize without charge individuals against vaccine-preventable diseases, there are authorized to be appropriated $94,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990. Not more than 10 percent of the total amount appropriated under the preceding sentence for any fiscal year shall be available for grants under subsection (k)(1) for such fiscal year.

"(B) For grants under subsection (a) for preventive health service programs for the provision without charge of immunizations with vaccines approved for use, and recommended for routine use, after the date of the enactment of Public Health Service Amendments of 1987, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988, 1989, and 1990.

"(C) On the implementation of subtitle 2 of title XXI, there are authorized to be appropriated for grants under subsection (a) for which appropriations are authorized in subparagraph (A) such sums as may be necessary for fiscal years 1988 through 1990 to make such grants.".

(b) SUPPLY OF VACCINES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall acquire and maintain a supply of vaccines sufficient to provide vaccinations throughout a 6-month period. 42 USC 300aa-2 note.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $5,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.

SEC. 111. PROJECT GRANTS FOR PREVENTIVE HEALTH PROJECTS FOR TUBERCULOSIS; ADDITIONAL GRANTS.

(a) PROJECT GRANTS.—Paragraph (2) of section 317(j) (42 U.S.C. 247b(j)(2)) is amended to read as follows:

"(2) For grants under subsection (a) for preventive health service programs for tuberculosis, and for grants under subsection (k)(2), there are authorized to be appropriated $24,000,000 for fiscal year 1988, $31,000,000 for fiscal year 1989, and $36,000,000 for fiscal year 1990. Not more than 10 percent of the total amount appropriated under the preceding sentence for any fiscal year shall be available for grants under subsection (k)(2) for such fiscal year.".

(b) ADDITIONAL GRANTS.—Section 317 is amended by adding at the end thereof the following new subsection:

"(k)(1) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for— State and local governments. Health care professionals. Education.

"(A) research into the prevention and control of diseases that may be prevented through vaccination;

"(B) demonstration projects for the prevention and control of such diseases;

"(C) public information and education programs for the prevention and control of such diseases; and

"(D) education, training, and clinical skills improvement activities in the prevention and control of such diseases for health professionals (including allied health personnel).

"(2) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for— 101 STAT. 992

"(A) research into the prevention and control of tuberculosis, especially research concerning strains of tuberculosis resistant to drugs and research concerning cases of tuberculosis that affect certain populations;

"(B) demonstration projects for the prevention and control of tuberculosis;

"(C) public information and education programs for prevention and control of tuberculosis; and

"(D) education, training, and clinical skills improvement activities in the prevention and control of tuberculosis for health professionals, including allied health personnel.

"(3) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for—

"(A) research into the prevention and control of diseases and conditions;

"(B) demonstration projects for the prevention and control of such diseases and conditions;

"(C) public information and education programs for the prevention and control of such diseases and conditions; and

"(D) education, training, and clinical skills improvement activities in the prevention and control of such diseases and conditions for health professionals (including allied health personnel).

"(4) No grant may be made under this subsection unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information as the Secretary may by regulation prescribe.

"(5) Subsections (d), (e), and (f) of section 317 shall apply to grants under this subsection in the same manner as such subsections apply to grants under subsection (a) of section 317.".

Health care professionals.

TITLE II—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

SEC. 201. ESTABLISHMENT OF LOAN REPAYMENT PROGRAM.

Subpart II of part D of title III (42 U.S.C. 254d et seq.) is amended—

(1) by redesignating section 338G (42 U.S.C. 254r) as section 338I;

(2) by redesignating sections 338B through 338F (42 U.S.C. 254m through 254q) as sections 338C through 338G, respectively; and

(3) by inserting after section 338A the following new section:

42 USC 254*l*-1.

"SEC. 338B. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the National Health Service Corps Loan Repayment Program (hereinafter in this subpart referred to as the 'Loan Repayment Program') in order to assure—

"(1) an adequate supply of trained physicians, dentists, and nurses for the Corps; and

"(2) if needed by the Corps, an adequate supply of podiatrists, optometrists, pharmacists, clinical psychologists, graduates of schools of veterinary medicine, graduates of schools of public health, graduates of programs in health administration, graduates of programs for the training of physician assistants, expanded function dental auxiliaries, and nurse practitioners (as defined in section 822), and other health professionals.

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"(b) ELIGIBILITY.—To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) as a full-time student—

"(I) in an accredited (as determined by the Secretary) educational institution in a State; and

"(II) in the final year of a course of study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathy, dentistry, or other health profession; or

"(ii) in an approved graduate training program in medicine, osteopathy, dentistry, or other health profession; or

"(B) have—

"(i) a degree in medicine, osteopathy, dentistry, or other health profession;

"(ii) completed an approved graduate training program in medicine, osteopathy, dentistry, or other health profession in a State, except that the Secretary may waive the completion requirement of this clause for good cause; and

"(iii) a license to practice medicine, osteopathy, dentistry, or other health profession in a State;

"(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

"(3) submit an application to participate in the Loan Repayment Program; and

"(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (f)) to accept repayment of educational loans and to serve (in accordance with this subpart) for the applicable period of obligated service in a health manpower shortage area.

"(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

"(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under section 338E in the case of the individual's breach of the contract; and

"(B) information respecting meeting a service obligation through private practice under an agreement under section 338D and such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program and service in the Corps.

"(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

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"(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITY.—In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority to applications made by—

"(1) individuals whose training is in a health profession or specialty determined by the Secretary to be needed by the Corps; and

"(2) individuals who are committed to service in medically underserved areas.

"(e) APPROVAL REQUIRED FOR PARTICIPATION.—

"(1) IN GENERAL.—An individual becomes a participant in the Loan Repayment Program only on the Secretary's approval of the individual's application submitted under subsection (b)(3) and the Secretary's acceptance of the contract submitted by the individual under subsection (b)(4).

"(2) WRITTEN NOTICE.—The Secretary shall provide written notice to an individual promptly on—

"(A) the Secretary's approving, under paragraph (1), of the individual's participation in the Loan Repayment Program; or

"(B) the Secretary's disapproving an individual's participation in such Program.

"(f) CONTENTS OF CONTRACTS.—The written contract (referred to in this subpart) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees—

"(i) to pay on behalf of the individual loans in accordance with subsection (g); and

"(ii) to accept (subject to the availability of appropriated funds for carrying out sections 331 through 335 and section 337) the individual into the Corps (or for

equivalent service as otherwise provided in this subpart); and

"(B) subject to paragraph (3), the individual agrees—

"(i) to accept loan payments on behalf of the individual;

"(ii) in the case of an individual described in subsection (b)(1)(A), to maintain enrollment in a course of study or training described in such subsection until the individual completes the course of study or training;

"(iii) in the case of an individual described in subsection (b)(1)(A), while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(iv) to serve for a time period (hereinafter in this subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, in a health manpower shortage area (designated under section 332) to which such individual is assigned by the Secretary as a member of the Corps or released under section 338D;

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"(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iv);

"(3) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subpart and to carry out the purposes of sections 331 through 335 and sections 337 and 338;

"(4) a statement of the damages to which the United States is entitled, under section 338E for the individual's breach of the contract; and

"(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (3), for each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $20,000 on behalf of the individual for loans described in paragraph (1).

"(B) INDIAN SERVICE.—For each year of obligated service that an individual contracts under subsection (f) to serve in the Indian Health Service, or to serve in a health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act (25 U.S.C. 450f et seq.), the Secretary may pay up to $25,000 on behalf of the individual for loans described in paragraph (1).

"(C) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accord-

ance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(3) TAX LIABILITY.—In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the Loan Repayment Program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as 101 STAT. 996 determined by the Secretary, to reimburse such individual for all or part of the increased tax liability of the individual.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(i) REPORTS.—The Secretary shall, not later than March 1 of each year, submit to the Congress a report specifying—

"(1) the number, and type of health profession training, of individuals receiving loan payments under the Loan Repayment Program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.".

SEC. 202. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECTION 303.—Section 303(d)(4) (42 U.S.C. 242a(d)(4)) is amended—

(1) by striking out "752 or 753" each place it appears and inserting in lieu thereof "338C or 338D"; and

(2) in subparagraph (A), by striking out "subpart IV of part C of title VII" and inserting in lieu thereof "subpart II of part D".

(b) SECTION 331.—Section 331 (42 U.S.C. 254d) is amended—

(1) in subsection (b), by striking out "and the Scholarship Program" and inserting in lieu thereof ", the Scholarship Program, and the Loan Repayment Program";

(2) in subsection (c), by striking out "338C" and inserting in lieu thereof "338D";

(3) in subsection (d)(2), by inserting after "Program" the following: "or the Loan Repayment Program";

(4) in subsection (f), by striking out "Scholarship Program" and inserting in lieu thereof "Scholarship Program or the Loan Repayment Program"; and

(5) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'Loan Repayment Program' means the National Health Service Corps Loan Repayment Program established under section 338B.".

(c) SECTION 334.—Section 334(a)(3)(B) (42 U.S.C. 254g(a)(3)(B)) is amended—

(1) by inserting "or the Loan Repayment Program" after "Scholarship Program"; and

(2) by striking out "service under the Program;" and inserting in lieu thereof "service under the Scholarship Program or the Loan Repayment Program;".

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(d) SECTION 336.—Section 336(a) (42 U.S.C. 254h-1(a)) is amended by striking out "scholarship program" and inserting in lieu thereof "Scholarship Program or Loan Repayment Program".

42 USC 254o.

(e) SECTION 338E.—Section 338E (as redesignated by section 201(2) of this Act) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after the subsection designation;

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(C) by adding at the end thereof the following new paragraph:

Contracts.

"(2) An individual who has entered into a written contract with the Secretary under section 338B and who—

"(A) in the case of an individual who is enrolled in the final year of a course of study, fails to maintain an acceptable level of academic standing in the educational institution in which such individual is enrolled (such level determined by the educational institution under regulations of the Secretary) or voluntarily terminates such enrollment or is dismissed from such educational institution before completion of such course of study; or

"(B) in the case of an individual who is enrolled in a graduate training program, fails to complete such training program and does not receive a waiver from the Secretary under section 338B(b)(1)(B)(ii),

in lieu of any service obligation arising under such contract shall be liable to the United States for the amount that has been paid on behalf of the individual under the contract.";

(2) in subsection (b)(1)—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking out "338E(d)" and inserting in lieu thereof "338F(d)";

(C) by striking out "338C" each place it appears and inserting in lieu thereof "338D";

(D) by striking out "338B" each place it appears and inserting in lieu thereof "338C";

(E) by inserting "under section 338A" after "service obligation";

(F) by striking the last sentence; and

(G) by adding at the end the following new subparagraph:

"(B)(i) Any amount of damages that the United States is entitled to recover under this subsection or under subsection (c) shall, within the 1-year period beginning on the date of the breach of the written contract (or such longer period beginning on such date as specified by the Secretary), be paid to the United States.

"(ii) If damages described in clause (i) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

"(I) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

"(II) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

Reports.

"(iii) Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

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"(iv) To the extent not otherwise prohibited by law, the Secretary shall disclose to all appropriate credit reporting agencies information relating to damages of more than $100 that are entitled to be recovered by the United States under this subsection and that are delinquent by more than 60 days or such longer period as is determined by the Secretary.";

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following new subsection:

"(c)(1) If (for any reason not specified in subsection (a) or section 338F(d)) an individual breaches the written contract of the individual under section 338B by failing either to begin such individual's service obligation in accordance with section 338C or 338D or to complete such service obligation, the United States shall be entitled to recover from the individual an amount equal to the sum of—

"(A) in the case of a contract for a 2-year period of obligated service—

"(i) the total of the amounts paid by the United States under section 338B(g)(2) on behalf of the individual for any period of obligated service; and

"(ii) an amount equal to the unserved obligation penalty;

"(B) in the case of a contract for a period of obligated service of greater than 2 years, and the breach occurs before the end of the first 2 years of such period—

"(i) the total of the amounts paid by the United States under section 338B(g)(2) on behalf of the individual for any period of obligated service; and

"(ii) an amount equal to the unserved obligation penalty; and

"(C) in the case of a contract for a period of obligated service of greater than 2 years, and the breach occurs after the first 2 years of such period—

"(i) the total of the amounts paid by the United States under section 338B(g)(2) on behalf of the individual for any period of obligated service not served; and

"(ii) if the individual breaching the contract failed to give the Secretary notice, that the individual intends to take action which constitutes a breach of the contract, at least 1 year (or such shorter period of time as the Secretary determines is adequate for finding a replacement) prior to the breach, $10,000.

"(2) For purposes of paragraph (1), the term 'unserved obligation penalty' means the amount equal to the product of the number of months of obligated service that were not completed by an individual, multiplied by $1,000, except that in any case in which the individual fails to serve 1 year, the unserved obligation penalty shall be equal to the full period of obligated service multiplied by $1,000.

"(3) The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

"(4) Damages that the United States is entitled to recover shall be paid in accordance with subsection (b)(1)(B).";

(5) in subsection (d) (as redesignated by clause (3) of this subsection), by inserting "or the Loan Repayment Program (or a contract thereunder)" after "thereunder)" each place it appears; and

101 STAT. 999

(6) in the section heading, by inserting "OR LOAN REPAYMENT CONTRACT" after "CONTRACT".

(f) PART D OF TITLE III.—Part D of title III is amended—

(1) by redesignating subparts III and IV as subparts IV and V, respectively; and

(2) by inserting before section 338A the following:

"Subpart III—Scholarship Program and Loan Repayment Program".

SEC. 203. REPORT AND AUTHORIZATION OF APPROPRIATIONS FOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS; STATE PROGRAMS.

Part D of title III (42 U.S.C. 247d et seq.) is amended by striking out section 338G (as redesignated by section 201(2) of this Act) and inserting in lieu thereof the following new sections:

42 USC 254q.

"SEC. 338G. REPORT AND AUTHORIZATION OF APPROPRIATIONS.

"(a) REPORT.—The Secretary shall report on January 20 of each year to the Committee on Labor and Human Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives on—

"(1) the number of providers of health care who will be needed for the Corps during the 3 fiscal years beginning after the date the report is filed; and

"(2) the number—

"(A) of scholarships the Secretary proposes to provide under the Scholarship Program during such 3 fiscal years;

"(B) of individuals for whom the Secretary proposes to make loan repayments under the Loan Repayment Program during such 3 fiscal years; and

"(C) of individuals who have no obligation under section 338C and who the Secretary proposes to have as members of the Corps during such 3 fiscal years,

in order to provide such number of health care providers.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for scholarships and loan repayments under this subpart.

42 USC 254q-1.

"SEC. 338H. STATE PROGRAMS.

"(a) GRANTS.—The Secretary may make grants to States to support the establishment by States of State programs similar to the Loan Repayment Program established under section 338B. Any State program supported with a grant under this section shall—

"(1) provide for the repayment of government and commercial loans for the tuition, educational expenses, and living expenses described in section 338B(g)(1); and

"(2) be conducted in conformance with the description of such program contained in the application required under subsection (b).

"(b) APPLICATIONS.—No grant may be made under this section for a State program unless an application therefor is submitted to the Secretary, in such form, at such time, and containing such information as the Secretary may prescribe. Each such application shall contain such standards for the designation of medically underserved areas under the State program and the determination of obligated service under the State program as may be acceptable to the Secretary.

101 STAT. 1000

"(c) FEDERAL SHARE.—The Federal share of the costs of any State program supported under this section shall not exceed 75 percent.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $1,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

Contracts.
42 USC 254o note.

SEC. 204. SPECIAL REPAYMENT PROVISIONS.

(a) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—An individual who—

(A)(i) breached a written contract entered into under section 338A of the Public Health Service Act (42 U.S.C. 254l) by failing either to begin such individual's service obligation in accordance with section 338C of such Act (as redesignated by section 201(2) of this Act) or to complete such service obligation; or

(ii) otherwise breached such a contract; and

(B) as of November 1, 1987, is liable to the United States under section 338E(b) of such Act (as redesignated by section 201(2) of this Act),

shall be relieved of liability to the United States under such section if the individual provides notice to the Secretary in accordance with paragraph (2) and provides service in accord-

ance with a written contract with the Secretary that obligates the individual to provide service in accordance with subsection (b) or (c). The Secretary may exclude an individual from relief from liability under this section for reasons related to the individual's professional competence or conduct.

(2) NOTICE BY SECRETARY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall notify in writing individuals who are described in subsection (a) of the opportunity provided by such subsection to be relieved of liability to the United States under section 338E(b) of the Public Health Service Act (as redesignated by section 201(2) of this Act). Notice sent to the last known address of such individual shall constitute sufficient notice for the purposes of this section. The Secretary may require that an individual responding to such notice make an election between service under subsection (b) or subsection (c) and provide that such election shall be binding.

(3) NOTICE BY INDIVIDUAL.—Not later than 180 days after the date of the enactment of this Act, an individual who receives a notice from the Secretary may notify the Secretary that the individual intends to enter into a written contract with the Secretary to provide service in accordance with subsection (b) or (c). The Secretary may extend the 180-day period for an individual for good cause shown.

(4) STATUTE OF LIMITATIONS.—If an individual provides notice under paragraph (3), the statute of limitations established by section 2415 of title 28, United States Code, shall be tolled from the time the Secretary receives such notice until such time as it is determined by the Secretary that such individual will not be relieved of liability to the United States under the Public Health Service Act as provided under this section.

101 STAT. 1001

(5) PLACEMENTS.—Any individual who enters into a contract under this subsection shall be afforded an opportunity to locate and negotiate a placement in accordance with this section, except that the Secretary shall not be required to identify a placement for any individual in a medical specialty for which the National Health Service Corps has no need.

(6) PARTIAL SERVICE.—The Secretary shall promulgate regulations that provide for the reduction of the liability under section 338F of the Public Health Service Act (as redesignated by section 201(2) of this Act) of an individual who breaches a contract entered into under this section to reflect any partial service or partial payment of liability of the individual under this section.

Regulations.

(b) SERVICE AT HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—

(1) IN GENERAL.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary to serve, in accordance with subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.), for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act (as redesignated by section 201(2) of this Act) at a site that—

(A)(i) is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act (as so redesignated) to begin in fiscal year 1988 and to which no individual who is not described in subsection (a)(1) has been assigned by a date determined by the Secretary; or

(ii) is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act (as so redesignated) to begin in fiscal year 1989; and

(B) has agreed to permit the individual to serve at such site.

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(2) NUMBER OF SITES.—The Secretary shall to the extent practicable, include a total number of sites on the list referred to in paragraph (1) sufficient to provide placement to all obligors under the Scholarship Program scheduled to begin service in fiscal year 1988 or 1989 and all individuals responding to the notice provided under subsection (a) and electing service under paragraph (1).

(c) SERVICE AT SUPPLEMENTAL HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary—

(1) to—

(A) serve in accordance with subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act (as redesignated by section 201(2) of this Act) at a site that is on a supplemental Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act (as so redesignated) and that has agreed to permit the individual to serve at such site; and

101 STAT. 1002

(B) pay, in accordance with guidelines established by the Secretary of Health and Human Services, to the United States the sum of the amounts paid under subpart II of part D of title III of such Act to or on behalf of the individual reduced by any amount paid, before entering into the contract, by such individual to the Secretary with respect to the individual's indebtedness under such part D; or

(2) to serve in accordance with such subpart II at a site described in paragraph (1) for 150 percent of such individual's remaining service obligation under section 338C of such Act (as so redesignated).

(d) CREATION OF SUPPLEMENTAL HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—In creating the supplemental Health Manpower Shortage Area Placement Opportunity List for purposes of subsection (c), the Secretary—

(1) shall include any site to which a National Health Service Corps member was previously assigned but which in fiscal year 1988 or 1989 will not have such member or a member of the National Health Service Corps to replace such member unless the Secretary of Health and Human Services determines that such site may reasonably be expected to recruit a health care professional from other than the Corps;

(2) shall include any migrant health center receiving funds under section 329 of the Public Health Service Act (42 U.S.C. 247d) or community health center receiving funds under section 330 of such Act (42 U.S.C. 254c) unless the Secretary of Health and Human Services determines that such center has been able to recruit health care professionals from other than the Corps to serve at the center and may reasonably be expected to recruit such health care professionals in the future;

(3) may include any other site selected by the Secretary; and

(4) shall designate the type of health care professional or medical specialist who is eligible to serve at the sites included on the list.

A site may be included on the supplemental list only if, at the time the list is created, the Secretary determines that the site meets the criteria prescribed by section 332 of such Act (42 U.S.C. 254e).

(e) ADDITIONAL ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may authorize an individual who is not described in subsection (a) and who is to begin to serve the individual's service obligation under section 338C of the Public Health Service Act

(as redesignated by section 201(2) of this Act) in fiscal year 1988 or 1989 to serve such obligation in accordance with subsection (c) if the Secretary determines that—

(A) service by the individual in accordance with subsection (c) would be in the best interests of the National Health Service Corps; and

(B) allowing such service would alleviate a substantial hardship for such individual.

(2) SCHOLARSHIP TRAINING PROGRAM.—Individuals who have breached a written contract entered into under section 225 of the Public Health Service Act (42 U.S.C. 234) (as such section existed before the amendment made by section 408(b) of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484; 90 Stat. 2281)) by failing to complete their service obligations and who are, as of November 1, 1987, liable to the United States under section 225(f)(1) of the Public Health Service Act (as such section so existed) may be relieved of their liability to the United States under the terms and conditions set forth in this section. 101 STAT. 1003

SEC. 205. REGULATIONS.

42 USC 254*l*-1 note.

Not later than 180 days after the effective date of the amendments made by this title, the Secretary of Health and Human Services shall issue regulations for the loan repayment programs established by the amendments.

TITLE III—NATIONAL HEALTH SERVICE CORPS

Health care professionals.

SEC. 301. REQUIREMENT OF CONSIDERATION OF NEEDS OF INDIAN HEALTH SERVICE, CERTAIN INDIAN TRIBES, AND THE HOMELESS.

Section 331 (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) In assigning members of the Corps to health manpower shortage areas, to the extent practicable, the Secretary shall—

"(1) give priority to meeting the needs of the Indian Health Service and the needs of health programs or facilities operated by tribes or tribal organizations under the Indian Self-Determination Act (25 U.S.C. 450f et seq.); and

"(2) provide special consideration to the homeless populations who do not have access to primary health care services.".

SEC. 302. DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS.

Section 332 (42 U.S.C. 254e) is amended—

(1) in subsection (a)(1), by adding at the end thereof the following new sentences: "The Secretary shall not remove an area from the areas determined to be health manpower shortage areas under subparagraph (A) of the preceding sentence until the Secretary has afforded interested persons and groups in such area an opportunity to provide data and information in support of the designation as a health manpower shortage area or a population group described in subparagraph (B) of such sentence or a facility described in subparagraph (C) of such sentence, and has made a determination on the basis of the data and information submitted by such persons and groups and other data and information available to the Secretary."; and

(2) in subsection (b)(2)—

(A) by striking out "and" after "services," in subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) ability to pay for health services.".

101 STAT. 1004

SEC. 303. PLACEMENT OF PHYSICIANS.

Section 333 (42 U.S.C. 254f) is amended by adding at the end the following new subsection:

"(j) In determining the priority for the placement of members of the Corps under this section in medically underserved areas, the Secretary shall consider—

"(1) whether the areas are served by at least one health professional and the effectiveness of non-Federal programs in recruiting health professionals for the areas;

"(2) the geographic isolation of the areas; and

"(3) the economic need of the populations of the areas and the association of the areas with a high infant mortality rate.".

SEC. 304. ASSIGNMENT OF FAMILY PHYSICIANS.

Section 333 (42 U.S.C. 254f) (as amended by section 304 of this Act) is amended by adding at the end thereof the following new subsection:

Urban areas.

"(k) In the assignment by the National Health Service Corps under this section of physicians specializing in family medicine, the Secretary shall—

"(1) take account of the needs of urban areas; and

"(2) place special attention on urban areas in which there are serious incidences of infant mortality, adolescent pregnancy, drug and alcohol abuse, sexually transmitted diseases, and other acute urban health care needs.".

SEC. 305. AUTHORIZATIONS OF APPROPRIATIONS FOR GENERAL OPERATIONS OF NATIONAL HEALTH SERVICE CORPS.

Subsection (a) of section 338 (42 U.S.C. 254k) is amended to read as follows:

"(a) To carry out this subpart, there are authorized to be appropriated $65,000,000 for fiscal year 1988, $65,000,000 for fiscal year 1989, and $65,000,000 for fiscal year 1990.".

SEC. 306. OBLIGATED SERVICE.

42 USC 254m.

Section 338C (as redesignated by section 201(2) of this Act) is amended—

(1) in subsection (a)—

(A) by striking out "338C" and inserting in lieu thereof "338D"; and

(B) by inserting "or 338B" after "338A";

(2) in subsection (b)(1), by inserting "or 338B(f)(1)(B)(iv)" after "338A(f)(1)(B)(iv)";

(3) in subsection (b), by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

Fellowships and scholarships. Education. Contracts.

"(5)(A) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1985, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

101 STAT. 1005

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or

after October 1, 1985, the Secretary may defer such date in accordance with clause (i).

"(B)(i) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be 3 years.

"(ii) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be 1 year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) In the case of the Scholarship Program, with respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the academic training of the individual leading to such degree.

"(E) In the case of the Loan Repayment Program, if an individual is required to provide obligated service under such Program, the date referred to in paragraphs (1) through (4)—

"(i) shall be the date determined under subparagraph (A), (B), or (D) in the case of an individual who is enrolled in the final year of a course of study;

"(ii) shall, in the case of an individual who is enrolled in an approved graduate training program in medicine, osteopathy, dentistry, or other health profession, be the date the individual completes such training program; and

"(iii) shall, in the case of an individual who has a degree in medicine, osteopathy, dentistry, or other health profession and who has completed graduate training, be the date the individual enters into an agreement with the Secretary under section 338B."; and

(4) in subsection (c)(2), by striking out "338C" and inserting in lieu thereof "338D".

SEC. 307. PRIVATE PRACTICE.

Section 338D (as redesignated by section 201(2) of this Act) is amended— 42 USC 254n.

(1) in subsection (a), by striking out "338B(a)" and inserting in lieu thereof "338C(a)";

(2) in subsection (a)(1)—

(A) by inserting after "individual" the following: "who received a scholarship under the Scholarship Program or a loan repayment under the Loan Repayment Program and"; and Fellowships and scholarships.

(B) by inserting before the semicolon the following: "or in the case of an individual for whom a loan payment was made under the Loan Repayment Program and who is performing obligated service as a member of the Corps in a health manpower shortage area on the date of the application of the individual for such a release, in the health manpower shortage area selected by the Secretary"; 101 STAT. 1006

(3) in subsection (a)(2), by inserting "selected by the Secretary" before the period;

(4) in subsection (b), by inserting at the end thereof the following new sentence: "The Secretary shall take such action as may be appropriate to ensure that the conditions of the written agreement prescribed by this subsection are adhered to.";

(5) in subsection (c), by inserting "or 338B" after "338A"; and

(6) in subsection (e)—

(A) by striking out paragraph (1); and

(B) by striking "(2)" before "Upon".

SEC. 308. DISCHARGE OF OBLIGATIONS IN BANKRUPTCY.

42 USC 254o

(a) IN GENERAL.—Section 338E(d)(3) (as redesignated by sections 201(2) and 202(e)(3) of this Act) is amended by inserting before the period a comma and "and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable".

42 USC 254o note.

(b) EXISTING PROCEEDINGS.—The amendment made by subsection (a) applies to any bankruptcy proceeding in which discharge of an obligation under section 338E(d)(3) of the Public Health Service Act (as redesignated by sections 201(2) and 202(e)(3) of this Act) has not been granted before the date that is 31 days after the date of enactment of this Act.

SEC. 309. SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE.

42 USC 254p

Section 338F (as redesignated by section 201(2) of this Act) is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of the profession of the member in a health manpower shortage area (designated under section 332) for a period of not less than 2 years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than 1 year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with section 338D(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out this section.

Such a loan shall be used to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b)(1) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.

101 STAT. 1007

"(2) The interest rate for any such loan shall not exceed an annual rate of 5 percent.";

(2) in the first sentence of subsection (c), by striking "grant or"; and

(3) in subsection (d)(1)—

(A) by striking "this section," and inserting "this section (as in effect prior to October 1, 1984),"; and

(B) by striking "338D(b)" and inserting "338E(b)".

TITLE IV—MISCELLANEOUS

SEC. 401. GERIATRIC MEDICINE TRAINING PROJECTS.

Section 788(e) (42 U.S.C. 295g-8(e)) is amended—

(1) in paragraph (1), by inserting after "support" the following: "(including traineeships and fellowships)";

(2) in paragraph (2)(C), by striking out "medicine;" and inserting in lieu thereof "medicine, or in a department of geriatrics in existence as of the date of enactment of the Public Health Service Amendments of 1987;"; and

(3) in paragraph (3)(A)(i), by inserting "geriatrics," after "gynecology,".

SEC. 402. PROFESSIONAL REVIEW ACTIVITIES.

(a) IN GENERAL.—Section 427 of Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137) is amended—

(1) in subsection (b)(1)—

(A) by striking out "with respect to medical malpractice actions" and inserting in lieu thereof "as necessary to carry out subsections (b) and (c) of section 425 (as specified in regulations by the Secretary)"; and

(B) by adding at the end thereof the following new sentences: "Information reported under this part that is in a form that does not permit the identification of any particular health care entity, physician, other health care practitioner, or patient shall not be considered confidential. The Secretary (or the agency designated under section 424(b)), on application by any person, shall prepare such information in such form and shall disclose such information in such form."; and

(2) in subsection (c)—

(A) by inserting "(including the agency designated under section 424(b))" after "person or entity"; and

(B) by inserting "(including information provided under subsection (a)" after "part".

(b) FEES.—Section 427(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) FEES.—The Secretary may establish or approve reasonable fees for the disclosure of information under this section or section 426. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary (or, in the Secretary's discretion, to the agency designated under section 424(b)) to cover such costs.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective on November 14, 1986.

(2) FEES.—The amendment made by subsection (b) shall become effective on the date of enactment of this Act.

42 USC 11137 note.

101 STAT. 1008

Approved December 1, 1987.

LEGISLATIVE HISTORY—S. 1158 (H.R. 1327):

HOUSE REPORTS: No. 100-252 accompanying H.R. 1327 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 100-108 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 133 (1987):

July 23, considered and passed Senate.

Sept. 9, H.R. 1327 considered and passed House; proceedings vacated and S. 1158, amended, passed in lieu.

Oct. 27, Senate concurred in House amendments with amendment.

Nov. 3, House concurred in Senate amendment.

Public Law 100-18
100th Congress

101 STAT. 262

An Act

To amend the Legislative Branch Appropriations Act, 1979, as reenacted, to extend the duration of the Office of Classified National Security Information within the Office of the Secretary of the Senate, and for other purposes.

Apr. 3, 1987
[S. 632]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 105(a) of the Legislative Branch Appropriations Act, 1979 (2 U.S.C. 72a note), as reenacted by section 115 of the joint resolution entitled "Joint resolution making continuing appropriations for the fiscal year 1982, and for other purposes", approved October 1, 1981 (95 stat. 963), is amended by striking out "February 28, 1987," and inserting in lieu thereof "June 5, 1987,".

100 Stat. 1240

(b) The amendment made by subsection (a) shall take effect on March 1, 1987.

2 USC 72a note.

Approved April 3, 1987.

LEGISLATIVE HISTORY—S. 632

CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 3, considered and passed Senate.
Mar. 25, considered and passed House.

Public Law 100-83
100th Congress

101 STAT. 549

An Act

To confer the honorary status of Librarian of Congress Emeritus on Daniel J. Boorstin.

Aug. 4, 1987
[S. 1020]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon retirement from service as the Librarian of Congress, Daniel J. Boorstin, who has held that position since November 12, 1975, may be known as the Librarian of Congress Emeritus. Such honorary designation shall not constitute an appointment in the civil service, as defined in section 2101 of title 5, United States Code.

Library of Congress

SEC. 2. In connection with his activities as Librarian of Congress Emeritus, Daniel J. Boorstin may receive incidental administrative and clerical support through the Library of Congress.

Approved August 4, 1987.

LEGISLATIVE HISTORY—S. 1020 (H.J. Res. 291):

HOUSE REPORTS: No. 100-215 accompanying H.J. Res. 291 (Comm. on House Administration).
SENATE REPORTS: No. 100-54 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 133 (1987):
May 12, considered and passed Senate.
July 21, H.J. Res. 291 considered and passed House; proceedings vacated and S. 1020, amended, passed in lieu.
July 22, Senate concurred in House amendments.

101 STAT. 794 Public Law 100-123 100th Congress

An Act

Oct. 5, 1987 [S. 1532]

Relating to the payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

2 USC 58a-1.

SECTION 1. As used in this Act, the term—

(1) "Sergeant at Arms" means the Sergeant at Arms and Doorkeeper of the United States Senate; and

(2) "user" means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms.

REGULATIONS; CERTIFICATION

2 USC 58a-2.

SEC. 2. (a) Subject to such regulations as may hereafter be issued by the Committee on Rules and Administration of the Senate, the Sergeant at Arms shall have the authority, with respect to telephone equipment and services provided to any user on a reimbursable basis (including repair or replacement), solely for the purposes of this section, to make such certification as may be necessary to establish such services and equipment as official, issue invoices in conjunction therewith, and receive payment for such services and equipment by certification, voucher, or otherwise.

(b) For purposes of this Act, telephone equipment and services provided to any user for which payment, prior to the effective date of this Act, was not authorized from the contingent fund of the Senate shall, on and after such effective date, be considered telephone equipment and services provided on a reimbursable basis for which payment may be obtained from such fund in accordance with subsection (a) of this section.

(c) Subject to the approval of the Committee on Rules and Administration, the Sergeant at Arms may establish reasonable charges for telephone equipment and services provided to any user which may be in addition to that regularly authorized by the Committee.

(d) All moneys, derived from payments for telephone equipment and services provided from funds from the Appropriation Account within the contingent fund of the Senate for "Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate" under the line

item for Telecommunications (including receipts from carriers and others for loss or damage to such services or equipment for which repair or replacement has been provided by the Sergeant at Arms), shall be deposited in and made a part of such Appropriation Account and under such line item, and shall be available for expenditure or obligation, or both, in like manner and subject to the same limitations as any other moneys in such account and under such line item. 101 STAT. 795

(e) Nothing in this Act shall be construed as limiting or otherwise affecting the authority of the Committee on Rules and Administration of the Senate to classify or reclassify telephone equipment and services provided to any user as equipment or services for which reimbursement may or may not be required.

REPORT

SEC. 3. The Sergeant at Arms shall report to the Committee on Rules and Administration of the Senate, at such time or times, and in such form and manner, as the Committee may direct, on expenditures made, and revenues received, pursuant to this Act. It shall be the function of the Sergeant at Arms to advise the Committee, as soon as possible, of any dispute regarding payments to and from such Appropriation Account as related to the line item for Telecommunications, including any amounts due and unpaid by any user, if any such dispute has remained unresolved for a period of at least 60 days. 2 USC 58a-3.

EFFECTIVE DATE

SEC. 4. This Act shall take effect on October 1, 1987. 2 USC 58a-1 note.

Approved October 5, 1987.

LEGISLATIVE HISTORY—S. 1532:

SENATE REPORTS: No. 100-121 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Aug. 5, considered and passed Senate.
Sept. 22, considered and passed House.

Public Law 100-135
100th Congress

101 STAT. 811

An Act

To change the title of employees designated by the Librarian of Congress for police duty and to make the rank structure and pay for such employees the same as the rank structure and pay for the Capitol Police.

Oct. 16, 1987
[H.R. 2249]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE, RANK STRUCTURE, AND PAY OF EMPLOYEES DESIGNATED BY THE LIBRARIAN OF CONGRESS FOR POLICE DUTY.

(a) IN GENERAL.—The first section of the Act entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167), is amended to read as follows: "That the Librarian of Congress may designate employees of the Library of Congress as police for duty with respect to the Library of Congress buildings and adjacent streets. The rank structure and pay for employees so designated shall be the same as the rank structure and pay for the Capitol Police.".

(b) CONFORMING AMENDMENTS.—

(1) Section 9 of the Act entitled "An Act relating to the policing of the buildings and grounds of the Library of Con-

gress", approved August 4, 1950 (2 U.S.C. 167h), is amended by striking out "special".

(2) Section 5102(c)(27) of title 5, United States Code, is amended by striking out "special police force" and inserting in lieu thereof "police".

2 USC 167 note

SEC. 2. TRANSITION RULE FOR CERTAIN EMPLOYEES.

(a) IN GENERAL.—Notwithstanding the amendments made by section 1, each identified employee shall be paid in accordance with prior law until the earliest of—

(1) the first pay period during which the employee does not perform Sunday work or night work;

(2) the first pay period for which the pay of the employee, computed in accordance with the amendments made by section 1 and without regard to this section, exceeds the pay computed under prior law; or

(3) the first pay period beginning after September 30, 1989.

(b) DEFINITIONS.—As used in this section—

(1) the term "identified employee" means an employee identified by the Librarian of Congress as an employee who (with respect to each of the thirteen pay periods immediately before the first pay period to which the amendments made by section 1 apply) is designated by the Librarian for police duty, at the rank of private, and receives additional pay for Sunday work or night work under section 5544 or section 5545 of title 5, United States Code; and

(2) the term "prior law" means the first section of the Act
101 STAT. 812 entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167), as in effect immediately before the first pay period to which the amendments made by section 1 apply.

2 USC 167 note

SEC. 3. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to pay periods beginning after September 30, 1987, except that any pay increase for employees of the Library of Congress, pursuant to the amendments made by such section, shall be subject to appropriation and shall be implemented in four approximately equal annual increments, so that pay parity with the Capitol Police occurs beginning with the first pay period beginning after September 30, 1990.

Approved October 16, 1987.

LEGISLATIVE HISTORY—H.R. 2249:

HOUSE REPORTS: No. 100-214 (Comm. on House Administration).
SENATE REPORTS: No. 100-171 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 21, considered and passed House.
Sept. 30, considered and passed Senate.

101 STAT. 814

Public Law 100-137
100th Congress

An Act

Oct. 21, 1987
[S. 1574]

To combine the Senators' Clerk Hire Allowance Account and the Senators' Official Office Expense Account into a combined single account to be known as the "Senators' Official Personnel and Office Expense Account", and for other purposes.

Effective date.
2 USC 58c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) effective January 1, 1988, there shall be, within the contingent fund of the Senate, a separate appropriation account to be known as the "Sen-

ators' Official Personnel and Office Expense Account" (hereinafter in this section referred to as the "Senators' Account").

(2) The Senators' Account shall be used for the funding of all items, activities, and expenses which, immediately prior to January 1, 1988, were funded under either (A) the Senate appropriation account for "Administrative, Clerical, and Legislative Assistance Allowance to Senators" (hereinafter in this section referred to as the "Senators' Clerk Hire Allowance Account") under the headings "SENATE" and "SALARIES, OFFICERS AND EMPLOYEES", or (B) that part of the account, within the contingent fund of the Senate, for "Miscellaneous Items" (hereinafter in this section referred to as the "Senators' Official Office Expense Account") which is available for allocation to Senatorial Official Office Expense Accounts. In addition, the Senators' Account shall be used for the funding of agency contributions payable with respect to compensation payable by such account, but moneys appropriated to such account for this purpose shall not be available for any other purpose. The account, which in clause (A) of the first sentence of this paragraph is identified as the "Senators' Clerk Hire Allowance Account" and the account, which in clause (B) of such sentence is identified as the "Senators' Official Office Expense Account" shall, when referred to in other law, rule, regulation, or order (whether referred to by such name or any other) shall on and after January 1, 1988, be deemed to refer to the "Senators' Official Personnel and Office Expense Account".

(3)(A) Effective on January 1, 1988, there shall be transferred to the Senators' Account from the Senators' Clerk Hire Allowance Account all funds therein which were available for expenditure or obligation during the fiscal year ending September 30, 1988, and from the Senators' Official Office Expense Account so much of the funds therein as was available for expenditure or obligation for the period commencing January 1, 1988, and ending September 30, 1988; except that the Senators' Official Office Expense Account shall remain in being solely for the purpose of being available to pay for any authorized item, activity, or expense, for which funds therein had been obligated, but not paid, prior to such transfer. Effective date.

(B) Any of the funds transferred to the Senators' Account from the Senators' Clerk Hire Allowance Account pursuant to subparagraph (A) which, prior to such transfer, had been obligated, but not expended, for any authorized item, activity, or expense, shall be available to pay for such item, activity, or expense in like manner as if such transfer had not been made. 101 STAT. 815

(4) On January 1, 1988, there shall be transferred to the Senators' Account, from the appropriation account for "Agency Contributions", under the headings "SENATE" and "SALARIES, OFFICERS AND EMPLOYEES", so much of the moneys in such account as was appropriated for the purpose of making agency contributions for administrative, clerical, and legislative assistance to Senators with respect to compensation payable for the period commencing January 1, 1988, and ending September 30, 1988; and the moneys so transferred shall be available only for the payment of such agency contributions with respect to such compensation.

(5) Vouchers shall not be required for the disbursement, from the Senators' Account, of salaries of employees in the office of a Senator.

(b)(1) Effective January 1, 1988, section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended to read as follows: Effective date.

"SEC. 506. (a) The contingent fund of the Senate is made available for payment to or on behalf of each Senator, upon certification of the Senator, for the following expenses incurred by the Senator and his staff:

"(1) telecommunications equipment and services subject to such regulations as may be promulgated by the Committee on Rules and Administration of the Senate; Communications and telecommunications.

"(2) stationery and other office supplies procured for use for official business;

Mail

"(3) reimbursement to each Senator for costs incurred in the preparation of required official reports, and the acquisition of mailing lists to be used for official purposes, and in the mailing, delivery, or transmitting of matters relating to official business;

"(4) reimbursement to each Senator for official office expenses incurred (other than for equipment and furniture and expenses described in paragraphs (1) through (3)) for an office in his home State;

"(5) reimbursements to each Senator for expenses incurred for publications printed or recorded in any way for auditory and visual use (including subscriptions to books, newspapers, magazines, clipping, and other information services);

Transportation

"(6) subject to the provisions of subsection (e) of this section, reimbursement of travel expenses incurred by the Senator and employees in his office;

"(7) reimbursement to each Senator for expenses incurred for additional office equipment and services related thereto (but not including personal services), in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate;

"(8) reimbursement to each Senator for charges officially incurred for recording and photographic services and products; and

"(9) reimbursement to each Senator for such other official expenses as the Senator determines to be necessary, but only (A) in the case of expenses for the period commencing January 1, 1988, and ending with the close of September 30, 1988, to the extent that such expenses do not exceed ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section (excluding any amount so authorized by subsection (b)(2)(A)(iv) of this section), and (B) in the case of expenditures for periods commencing on or after October 1, 1988, to the extent such expenses do not exceed ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section (excluding any amount so authorized by subsection (b)(3)(A)(iv) of this section for the fiscal year involved).

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Reimbursement to a Senator and his employees under this section shall be made only upon presentation of itemized vouchers for expenses incurred and, in the case of expenses reimbursed under paragraphs (6) and (9), only upon presentation of detailed itemized vouchers for such expenses. Vouchers presented for payment under this section shall be accompanied by such documentation as is required under regulations promulgated by the Committee on Rules and Administration of the Senate. No reimbursement shall be made under paragraph (4) or (9) for any expense incurred for entertainment or meals.".

Effective date.

(2) Effective January 1, 1988, section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended—

(A) in paragraph (1), by striking out "Except as otherwise provided in paragraph (2) of this subsection," and inserting in lieu thereof the following: "(A) Except as is otherwise provided in the succeeding paragraphs of this subsection and subject to subparagraph (B) of this paragraph,",

(B) by redesignating paragraph (2) as subparagraph (B) of paragraph (1), and

(C) by adding at the end thereof the following new paragraphs:

"(2)(A) In the case of the period which commences January 1, 1988, and ends September 30, 1988, the total of—

"(i) the expenses paid to or on behalf of a Senator under this section for such period, plus

"(ii) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such period (as determined for purposes of section 105(d) of the Legislative Branch Appropriation Act, 1968),

shall not exceed the aggregate of—

"(iii) subject to subparagraph (B), an amount equal to 75 percent of the amount of the authorized expenses under this section for the calendar year ending December 31, 1987, as determined in the case of a Senator, who represents the State which such Senator represents, whose term of office included all of such calendar year, plus

"(iv) the amount by which (I) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for the fiscal year ending September 30, 1988, pursuant to the limitations imposed by section 105(d) of the Legislative Branch Appropriation Act, 1968 (as determined without regard to paragraph (1)(B) thereof), exceeds (II) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for that part of such fiscal year which precedes January 1, 1988.

"(B) In the event that the term of office of a Senator begins after the first month of the period which commences January 1, 1988, and ends September 30, 1988, or ends (except by reason of death, resignation, or expulsion) before the last month of such period, the amount computed pursuant to subparagraph (A)(iii) of this paragraph (but before application of this subparagraph) shall be recalculated as follows: such amount, as computed under subparagraph (A)(iii) of this paragraph, shall be divided by 9, and multiplied by the number of months in such period which are included in the Senator's term of office, counting any fraction of a month as a full month. 101 STAT. 817

"(3)(A) In the case of the fiscal year beginning October 1, 1988, or any fiscal year thereafter, the total of—

"(i) the expenses paid to or on behalf of a Senator under this section for such fiscal year, plus

"(ii) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such fiscal year (as determined for purposes of section 105(d) of the Legislative Branch Appropriation Act, 1968),

shall not exceed the aggregate of—

"(iii) subject to subparagraph (B), in case the Senator represents Alabama, $53,000, Alaska, $137,000, Arizona, $63,000, Arkansas, $54,000, California, $95,000, Colorado, $59,000, Connecticut, $44,000, Delaware, $36,000, Florida, $56,000, Georgia, $53,000, Hawaii, $156,000, Idaho, $62,000, Illinois, $71,000, Indiana, $53,000, Iowa, $55,000, Kansas, $55,000, Kentucky, $52,000, Louisiana, $56,000, Maine, $48,000, Maryland, $40,000, Massachusetts, $51,000, Michigan, $59,000, Minnesota, $56,000, Mississippi, $54,000, Missouri, $57,000, Montana, $62,000, Nebraska, $56,000, Nevada, $64,000, New Hampshire, $45,000, New Jersey, $48,000, New Mexico, $60,000, New York, $76,000, North Carolina, $50,000, North Dakota, $55,000, Ohio, $64,000, Oklahoma, $58,000, Oregon, $66,000, Pennsylvania, $63,000, Rhode Island, $43,000, South Carolina, $48,000, South Dakota, $56,000, Tennessee, $53,000, Texas, $79,000, Utah, $62,000, Vermont, $44,000, Virginia, $45,000, Washington, $68,000, West Virginia $44,000, Wisconsin, $55,000, Wyoming, $58,000, plus State listing.

"(iv) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for such fiscal year, under the limitations imposed by section 105(d) of the Legislative Branch Appropriation Act, 1968, but without regard to the provisions of paragraph (1)(C)(iv) thereof.

"(B) In the event that the term of office of a Senator begins after the first month of any such fiscal year or ends (except by reason of death, resignation, or expulsion) before the last month of any such fiscal year, the amount referred to in subparagraph (A)(iii) shall be recalculated as follows: such amount, as computed under subparagraph (iii), shall be divided by 12, and multiplied by the number of months in such year which are included in the Senator's term of office, counting any fraction of a month as a full month.".

(3) Effective January 1, 1988, section 506(h) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(h)) is amended— Effective date.

(A) by striking out paragraph (2) thereof and by striking out "(1)" where it appears immediately after "(h)"; and

(B) by striking out "(a)(5)" and inserting "(a)(4)".

Effective date. 2 USC 58.

(4) Effective January 1, 1988, subsection (e) of section 506 of such Act (2 U.S.C. 58e) is amended to read as follows:

Transportation.

"(e) Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term 'travel expenses' includes actual transportation expenses,

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essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection (a)(6) of this section, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.".

Effective date.

(5) Effective January 1, 1988, the first sentence of subsection (j) of section 506 (2 U.S.C. 58(j)) of such Act is amended by striking out "(a)(8)" and inserting in lieu thereof "(a)(6)".

Effective date.

(c)(1) Effective January 1, 1988, section 105(d)(1) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(d)(1)) is amended—

(A) by striking out "The" at the beginning of paragraph (1) and inserting in lieu thereof "(A) Except as is otherwise provided in subparagraphs (B) and (C), the", and

(B) by adding at the end of paragraph (1) the following new subparagraphs:

"(B) In the case of gross compensation paid to employees in the office of a Senator for the period commencing January 1, 1988, and ending September 30, 1988, the total of—

"(i) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such period, plus

"(ii) the expenses paid to or on behalf of such Senator under authority of section 506 of the Supplemental Appropriations Act, 1973 (as determined after application of subsection (b) of such section, but without regard to paragraph (2)(A)(iv) thereof), shall not exceed the aggregate of—

"(iii) subject to the next sentence, the amount by which (I) the aggregate of the gross compensation which may be paid to employees in the office of such Senator for the fiscal year ending September 30, 1988, as determined under this subsection (but without regard to this subparagraph), exceeds (II) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for that part of such fiscal year which precedes January 1, 1988, plus

"(iv) the amount described in section 506(b)(2)(A)(iii) of the Supplemental Appropriations Act, 1973.

In the event that the term of office of a Senator begins after the first month of the period which commences January 1, 1988, and ends September 30, 1988, or ends (except by reason of death, resignation, or expulsion) before the last month of such period, the amount computed pursuant to clause (iii) of this subparagraph (but before application of this sentence) shall be recalculated as follows: such amount, as so computed, shall be divided by 9, and multiplied by the number of months in such period which are included in the Senator's term of office, counting any fraction of a month as a full month.

"(C) In the case of gross compensation paid to employees in the office of a Senator for the fiscal year beginning October 1, 1988, or any fiscal year thereafter, the total of— 101 STAT. 819

"(i) the aggregate amount of gross compensation which is paid to employees in the office of such Senator for such year, plus

"(ii) the expenses paid to or on behalf of such Senator under authority of section 506 of the Supplemental Appropriations Act, 1973 (as determined after application of subsection (b) of such section, but without regard to paragraph (3)(A)(ii) and (iv) thereof),

shall not exceed the aggregate of—

"(iii) the amount determined under subparagraph (A) for such year, plus

"(iv) the amount described in section 506(b)(3) of the Supplemental Appropriations Act, 1973 (as determined without regard to subparagraph (A)(ii) and (iv) thereof).".

SEC. 2. Section 110 of the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12; 2 U.S.C. 58b) is repealed effective January 1, 1988. Effective date.

SEC. 3. Subsection (b) of section 111 of the Legislative Appropriations Act, 1978 (Public Law 95-94) is repealed, effective as of the first day of the 100th Congress. Effective date. 2 USC 61-1 note.

Approved October 21, 1987.

LEGISLATIVE HISTORY—S. 1574:

SENATE REPORTS: No. 100-134 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Aug. 6, considered and passed Senate.
Oct. 8, considered and passed House.

SCIENCE ACT

Public Law 100-147
100th Congress

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An Act

To authorize appropriations to the National Aeronautics and Space Administration for research and development; space flight, control and data communications; construction of facilities; and research and program management; and for other purposes.

Oct. 30, 1987
[H.R. 2782]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 1988".

National Aeronautics and Space Administration Authorization Act of 1988.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 101. (a) There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1987, for "Research and development", for the following programs:

(1) Permanently manned space station, $767,000,000.

(2) Space transportation capability development, $553,600,000.

(3) Physics and astronomy, $581,800,000.

(4) Life sciences, $74,600,000.

(5) Planetary exploration, $320,300,000, of which $42,300,000 is authorized only for the purpose of preparing the Mars Observer Spacecraft for launch in 1992 and for procuring spare parts for a Planetary Observer program.

(6) Space applications, $651,400,000, of which $84,000,000 is authorized only for the Advanced Communications Technology Satellite.

(7) Technology utilization, $18,300,000.

(8) Commercial use of space, $30,700,000.

(9) Aeronautical research and technology, $387,000,000.

(10) Transatmospheric research and technology, $66,000,000.

(11) Space research and technology, $234,000,000.

(12) Safety, reliability, and quality assurance, $16,200,000.

(13) Tracking and data advanced systems, $18,100,000.

(b) There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1987, for "Space flight, control and data communications", for the following programs:

(1) Space shuttle production and operational capability, $1,174,600,000, of which $76,000,000 is authorized only for initial lay-in spare parts for the space shuttle orbiter.

(2) Space transportation operations, $1,885,800,000, of which $106,700,000 is authorized only for flight spare parts for the space shuttle orbiter.

(3) Space and ground network, communications, and data systems, $924,900,000.

(4) Expendable launch vehicle operations, $60,000,000.

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(c) There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1987, for "Construction of facilities", including land acquisition, as follows:

(1) Construction of LC 39 Operations Support Building, Kennedy Space Center, $22,800,000.

(2) Construction of Spacecraft Systems Development and Integration Facility, Goddard Space Flight Center, $8,600,000.

(3) Modifications for utility reliability, Goddard Space Flight Center, $2,900,000.

(4) Construction of Integrated Test Facility, Dryden Flight Research Facility, $10,500,000.

(5) Modifications to Hypersonic Propulsion Facility for Vaccum Systems, Langley Research Center, $3,100,000.

(6) Construction of addition to the Research Analysis Center, Lewis Research Center, $9,800,000.

(7) Modifications for Fan/Compressor Research, Engine Research Building, Lewis Research Center, $6,500,000.

(8) Construction of Communications Development Antenna, Goldstone, California, Jet Propulsion Laboratories, $6,400,000.

(9) Repair of facilities at various locations, not in excess of $750,000 per project, $25,000,000.

(10) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $32,000,000.

(11) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $8,000,000.

(12) Environmental compliance and restoration, $23,900,000.

(13) Repair and modernization of the 12-foot pressure wind tunnel at the Ames Research Center, $41,000,000.

(14) Facility planning and design not otherwise provided for, $16,000,000.

(d) There is authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1987, for "Research and program management", $1,583,000,000.

(e) The Administrator is authorized (to the extent provided in an appropriation Act) to transfer $22,000,000 from any funds which were made available for prior years, and which remain unobligated as of the date of the enactment of this Act, except for funds made available for Aeronautical and Space Research and Technology, Transatmospheric Research and Technology programs, Construction of Facilities activities, and Research and Program Management activities for the support of such programs, and use such funds for the preparation of the Mars Observer spacecraft for launch in 1992.

(f) Notwithstanding the provisions of subsection (h), appropriations authorized in this Act for "Research and development" and "Space flight, control and data communications" may be used for (1) any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration (hereinafter in this title referred to as the "Administration") for the performance of research and development contracts, and (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator of

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the National Aeronautics and Space Administration (hereinafter in this title referred to as the "Administrator") determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communica-

tions" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the President of the Senate and the Speaker of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

(g) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year. 42 USC 2459a.

(h) Appropriations made pursuant to subsection (d) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

(i) Of the funds appropriated pursuant to subsections (a), (b), and (d), not in excess of $100,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a) or (b), not in excess of $500,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs: *Provided further*, That, of the funds appropriated pursuant to subsection (d), not in excess of $500,000 per project, including collateral equipment, may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration.

SEC. 102. Authorization is granted whereby any of the amounts prescribed in paragraphs (1) through (13) of section 101(c) of this title—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 percent; or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward 25 percent; Reports.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101 (a) or (b) of this title may be 101 STAT. 863
transferred to and merged with the "Construction of facilities" appropriation, and when so transferred, together with $10,000,000 of funds appropriated pursuant to section 101(c) of this title (other than funds appropriated pursuant to paragraph (14) of such section) shall be available for expenditure to construct, expand, and modify laboratories and other installations at any location (including locations specified in section 101(c)), if (1) the Administrator determines that such action is necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) the Administrator determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, Reports.

expand, or modify laboratories and other installations unless a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the President of the Senate and to the Speaker of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report containing a full and complete statement concerning (A) the nature of such construction, expansion, or modification, (B) the cost thereof including the cost of any real estate action pertaining thereto, and (C) the reason why such construction, expansion, or modification is necessary in the national interest.

SEC. 104. Notwithstanding any other provision of this title, no amount appropriated pursuant to this title may be used for any program—

(1) deleted by the Congress from requests as originally made either to the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) in excess of the amount actually authorized for that particular program by section 102 (a), (b), and (d); and

(3) which has not been presented to either such Committee;

unless a period of 30 days has passed after the receipt by the President of the Senate and the Speaker of the House of Representatives and each such committee of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 105. No civil space station authorized under section 101(a)(1) of this title may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

42 USC 2451 note.

SEC. 106. (a) The Administrator is directed to undertake the construction of a permanently manned space station (hereinafter referred to as the "space station") to become operational in 1995. The space station will be used for the following purposes—

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(1) the conduct of scientific experiments, applications experiments, and engineering experiments;

(2) the servicing, rehabilitation, and construction of satellites and space vehicles;

(3) the development and demonstration of commercial products and processes; and

(4) the establishment of a space base for other civilian and commercial space activities.

(b) The space station shall be developed and operated in a manner that supports other science and space activities.

(c) In order to reduce the cost of operations of the space station and its ground support system, the Administrator shall undertake the development of such advanced technologies as may be appropriate within the level of funding authorized in this Act.

(d) The Administrator shall seek to have portions of the space station constructed and operated by the private sector, where appropriate.

International agreements. Canada. Europe. Japan.

(e) The Administrator shall promote international cooperation in the space station program by undertaking the development, construction, and operation of the space station in conjunction with (but not limited to) the Governments of Europe, Japan, and Canada.

42 USC 2451 note.

(f) The space station shall be designed, developed, and operated in a manner that enables evolutionary enhancement.

SEC. 107. (a) For each of the fiscal years 1989 through 1996, the Administrator, along with the President's submission to the Congress of the annual budget request for the National Aeronautics and Space Administration, shall submit a capital development plan for

the space station program. Each such plan shall include the estimated cost of all direct research and development; space flight, control and data communications; construction of facilities; and research and program management for the fiscal year involved and the two succeeding fiscal years.

(b) For fiscal year 1989, the capital development plan shall also include a statement outlining the total cost, schedule, and configuration of the Administration's space station proposal, as well as an analysis of the "Report of the Committee on the Space Station of the National Research Council". Such analysis shall examine alternatives for the configuration of the space station including but not limited to low cost alternatives.

SEC. 108. In order to ensure that the development of the space station is part of a balanced civilian space program, the Administrator is instructed to establish as a goal a funding profile that limits (1) space station total annual costs under the capital development plan in section 107 to 25 percent of the total budget request for the National Aeronautics and Space Administration and (2) all space station direct operations costs, except for those costs associated with the utilization of the space station, to 10 percent of the total budget request for the National Aeronautics and Space Administration. 42 USC 2451 note.

SEC. 109. (a) It is the sense of the Congress that the launching and servicing of the space station should be accomplished by the most cost-effective use of space transportation systems, including the space shuttle and expendable launch vehicles. 42 USC 2451 note.

(b) Not later than January 15, 1988, the Administrator shall submit a preliminary report on the cost-effective use of space transportation systems for the launch of space station elements during the development and operation of the space station. The Administrator shall consider— Reports.

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(1) the potential use of future advanced or heavy lift expendable launch vehicles for purposes of the assembly and operation of the space station;

(2) the use of existing expendable launch vehicles of the National Aeronautics and Space Administration, the Department of Defense, and the Private Sector;

(3) the requirement for space shuttle launches; and

(4) the risk of capital losses from the use of expendable launch vehicles and the space shuttle.

SEC. 110. (a) The Administrator shall set and collect reasonable user fees for the use and maintenance of the space station. 42 USC 2451 note.

(b) The Administrator shall set user fees so as to—

(1) promote the use of the space station consistent with the policy set forth in section 106;

(2) recover the costs of the use of the space station, including reasonable charges for any enhancement needed for such use; and

(3) conserve and efficiently allocate the resources of the space station.

(c) The Administrator may, on a case-by-case basis, waive or modify such user fees when in the Administrator's judgment such waiver or modification will further the goals and purposes of the National Aeronautics and Space Act of 1958, including—

(1) the advancement of scientific or engineering knowledge;

(2) international cooperation; and

(3) the commercial use of space.

SEC. 111. No later than September 30, 1988, the Administrator shall submit a detailed plan for collecting reimbursements for the utilization of the space station under section 110, including the services to be offered, the methodology and bases by which prices will be charged, and the estimated revenues. 42 USC 2451 note.

International agreements. Canada. Europe. Japan. 42 USC 2451 note.

SEC. 112. The Intergovernmental Agreement currently being negotiated between the United States Government and Canada, Japan, and member governments of the European Space Agency, and the Memorandum of Understanding currently being negotiated between the National Aeronautics and Space Administration and its counterpart agencies in Canada, Japan, and Europe concerning the detailed design, development, construction, operation, or utilization of the space station shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives. No such agreement shall take effect until 30 days have passed after the receipt by such committees of the agreement.

42 USC 2459 note.

SEC. 113. (a) It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Reports.

(b) The Administrator shall report to the Congress on the extent to which such consideration has been given and such ways and means explored during fiscal year 1987, and shall submit such report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by January 15, 1988.

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International agreements.

SEC. 114. (a) The Administrator shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(b) This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) This section shall apply only to contracts for which—

(1) amounts are made available pursuant to this Act; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

SEC. 115. Title II of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"DONATIONS FOR SPACE SHUTTLE ORBITER

Gifts and property. 42 USC 2476b.

"SEC. 208. (a) The Administrator may accept gifts and donations of services, money, and real, personal, tangible, and intangible property, and use such gifts and donations for the construction of a space shuttle orbiter.

"(b)(1) The authority of the Administrator to accept gifts or donations pursuant to subsection (a) of this section shall terminate five years after the date of the enactment of this section.

"(2) All gifts and donations accepted by the Administrator pursuant to subsection (a) of this section which are not needed for construction of a space shuttle orbiter shall be used by the Administrator for an appropriate purpose—

"(A) in tribute to the dedicated crew of the space shuttle Challenger; and

"(B) in furtherance of the exploration of space.

"(c) The name of a space shuttle orbiter constructed in whole or in part with gifts or donations whose acceptance and use are authorized by subsection (a) of this section shall be selected by the Administrator from among suggestions submitted by students in elementary and secondary schools.".

SEC. 116. (a) It is the sense of the Congress that the space shuttle is a critical national resource that should be preserved; that it should be used primarily for those missions which require its unique capabilities; and that a diversified family of expendable launch vehicles should be incorporated by use into the Nation's civilian space flight program. 101 STAT. 867

(b) The Administrator shall establish a program for launching payloads by means of expendable launch vehicles and, if available, by commerical launch services.

(c) The Administrator shall take such action as may be necessary to ensure that expendable launch vehicles or, if available, commerical launch services are obtained for the launch of the following payloads:

(1) Roentgen Satellite (ROSAT), for launch in 1990.

(2) Tracking and Data Relay Satellite (TDRS)-F, or a planetary mission.

(3) Extreme Ultraviolet Explorer (EUVE), for launch in 1991.

(4) Mars Observer, for launch in 1992.

(d) The Administrator shall report to the Congress not later than January 15, 1988, on the Administrator's compliance with this section, and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives. Reports.

SEC. 117. Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"CONTRACTS REGARDING EXPENDABLE LAUNCH VEHICLES

"SEC. 311. (a) The Administrator may enter into contracts for expendabe launch vehicle services that are for periods in excess of the period for which funds are otherwise available for obligation, provide for the payment for contingent liability which may accrue in excess of available appropriations in the event the Government for its convenience terminates such contracts, and provide for advance payments reasonably related to launch vehicle and related equipment, fabrication, and acquisition costs, if any such contract limits the amount of the payments that the Federal Government is allowed to make under such contract to amounts provided in advance in appropriation Acts. Such contracts may be limited to sources within the United States when the Administrator determines that such limitation is in the public interest. 42 USC 2459c.

"(b) If funds are not available to continue any such contract, the contract shall be terminated for the convenience of the Government, and the costs of such contract shall be paid from appropriations originally available for performance of the contract, from other, unobligated appropriations currently available for the procurement of launch services, or from funds appropriated for such payments.".

SEC. 118. (a) It is the sense of the Congress that the capital investment in space satellites and vehicles should be enhanced and protected by establishing a system of servicing, rehabilitation, and repair capabilities in orbit (hereinafter referred to as "satellite servicing").

(b) The Administrator shall conduct a thorough and comprehensive study of satellite servicing with a view toward establishing national goals and objectives for utilizing such capabilities.

(c) In conducting the study of satellite servicing under this section, the Administrator shall give consideration to—

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(1) the use of the space shuttle, the space station, and other space vehicles to carry out or support satellite servicing;

(2) all potential users of satellite servicing capabilities, including civilian, defense, private, and foreign satellites and space vehicles;

(3) experience to date with in-orbit satellite servicing including the costs of such operations and the fees charged users that are not from the National Aeronautics and Space Administration;

Insurance.

(4) the pertinence of satellite servicing to insurance, including the character, cost, and availability of insurance;

(5) the pertinence of satellite servicing to satellite and vehicle design;

(6) the pertinence of satellite servicing to the National Aeronautics and Space Administration and other space programs, including science and applications programs; and

(7) the prices to be charged for satellite servicing such that the full costs of such servicing can be recovered.

Reports.

(d) The Administrator shall complete the study and present a full report on it to the Congress on or before January 15, 1988.

SEC. 119. The Administrator shall review the findings, recommendations, and proposed space agenda of the National Commission on Space as set forth in its report submitted under section 204(c) of the National Aeronautics and Space Administration Authorization Act, 1985 (Public Law 98-361; 98 Stat. 422), and shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, within 60 days after the date of enactment of this Act, a recommendation for a long-range implementation plan, including an impact assessment of such implementation on personnel, budget, and other resources.

SEC. 120. Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended by adding at the end thereof the following: "There is authorized to be appropriated to the Secretary to carry out this Act $4,548,000 for fiscal year 1988.".

SEC. 121. (a) It is the sense of the Congress that the solid rocket motor project of the space shuttle program would benefit from competition, and that an advanced solid rocket motor would enhance the margin of safety, reliability, and performance of the space shuttle.

(b) By the date on which the President submits to the Congress the fiscal year 1990 budget request for the National Aeronautics and Space Administration, the Administrator shall issue a request for proposals to acquire by means of a competitive procurement an advanced solid rocket motor. The Administrator shall also consider ways and means to improve quality control, reduce operational hazards, reduce costs, increase competition, and enhance manufacturing processes, including, but not limited to, constructing a government-owned and contractor-operated solid rocket motor production facility and providing for a dual source of supply of the advanced solid rocket motor.

(c) Until a request for proposals has been issued under subsection (b) of this section, no contract for the purchase of additional solid rocket motors shall be extended or signed by the Administrator. The Administrator may proceed with the procurement of long-lead materials for the solid rocket motors from the current contractor only after the Administrator has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of

Representatives that such action is necessary to prevent a delay in the space shuttle launch schedule. 101 STAT. 869

(d) The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives if the competitive procurement specified in subsection (b) cannot be conducted. The Administrator shall transmit such notice along with a complete explanation of the reasons supporting such determination. Following such determination, but no sooner than 30 days following the transmission of the notice required under this subsection, the Administrator shall—

(1) conduct a competition to select a qualified second source of supply (in addition to the current contractor) for flight sets of the redesigned solid rocket motor that is currently under development; or

(2) recompete the current source of supply for flight sets of the redesigned solid rocket motor.

(e) No later than March 31, 1988, the Administrator shall present to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a comprehensive acquisition plan for the advanced solid rocket motor in accordance with this section.

TITLE II—NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM

National Space Grant College and Fellowship Act.
Education.
Grants.
Contracts.
42 USC 2486 note.

SEC. 201. This title may be cited as the "National Space Grant College and Fellowship Act".

SEC. 202. The Congress finds that—

(1) the vitality of the Nation and the quality of life of the citizens of the Nation depend increasingly on the understanding, assessment, development, and utilization of space resources;

(2) research and development of space science, space technology, and space commercialization will contribute to the quality of life, national security, and the enhancement of commerce;

(3) the understanding and development of the space frontiers require a broad commitment and an intense involvement on the part of the Federal Government in partnership with State and local governments, private industry, universities, organizations, and individuals concerned with the exploration and utilization of space;

(4) the National Aeronautics and Space Administration, through the national space grant college and fellowship program, offers the most suitable means for such commitment and involvement through the promotion of activities that will result in greater understanding, assessment, development, and utilization; and

(5) Federal support of the establishment, development, and operation of programs and projects by space grant colleges, space grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities.

42 USC 2486.

SEC. 203. The purposes of this title are to— 42 USC 2486a.

(1) increase the understanding, assessment, development, and utilization of space resources by promoting a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques; 101 STAT. 870

(2) utilize the abilities and talents of the universities of the Nation to support and contribute to the exploration and development of the resources and opportunities afforded by the space environment;

(3) encourage and support the existence of interdisciplinary and multidisciplinary programs of space research within the

university community of the Nation, to engage in integrated activities of training, research and public service, to have cooperative programs with industry, and to be coordinated with the overall program of the National Aeronautics and Space Administration;

(4) encourage and support the existence of consortia, made up of university and industry members, to advance the exploration and development of space resources in cases in which national objectives can be better fulfilled than through the programs of single universities;

(5) encourage and support Federal funding for graduate fellowships in fields related to space; and

(6) support activities in colleges and universities generally for the purpose of creating and operating a network of institutional programs that will enhance achievements resulting from efforts under this title.

42 USC 2486b.

SEC. 204. As used in this title, the term—

(1) "Administration" means the National Aeronautics and Space Administration;

(2) "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(3) "aeronautical and space activities" has the meaning given to such term in section 103(1) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2452(1));

(4) "field related to space" means any academic discipline or field of study (including the physical, natural, and biological sciences, and engineering, space technology, education, economics, sociology, communications, planning, law, international affairs, and public administration) which is concerned with or likely to improve the understanding, assessment, development, and utilization of space;

(5) "panel" means the space grant review panel established pursuant to section 210 of this title;

(6) "person" means any individual, any public or private corporation, partnership, or other association or entity (including any space grant college, space grant regional consortium, institution of higher education, institute, or laboratory), or any State, political subdivision of a State, or agency or officer of a State or political subdivision of a State;

(7) "space environment" means the environment beyond the sensible atmosphere of the Earth;

(8) "space grant college" means any public or private institution of higher education which is designated as such by the Administrator pursuant to section 208 of this title;

(9) "space grant program" means any program which—

(A) is administered by any space grant college, space grant regional consortium, institution of higher education, institute, laboratory, or State or local agency; and

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(B) includes two or more projects involving education and one or more of the following activities in the fields related to space—

(i) research,

(ii) training, or

(iii) advisory services;

(10) "space grant regional consortium" means any association or other alliance which is designated as such by the Administrator pursuant to section 208 of this title;

(11) "space resource" means any tangible or intangible benefit which can only be realized from—

(A) aeronautical and space activities; or

(B) advancements in any field related to space; and

(12) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

SEC. 205. (a) The Administrator shall establish and maintain, within the Administration, a program to be known as the national space grant college and fellowship program. The national space grant college and fellowship program shall consist of the financial assistance and other activities provided for in this title. The Administrator shall establish long-range planning guidelines and priorities, and adequately evaluate the program. 42 USC 2486c.

(b) Within the Administration, the program shall—

(1) apply the long-range planning guidelines and the priorities established by the Administrator under subsection (a) of this section;

(2) advise the Administrator with respect to the expertise and capabilities which are available through the national space grant college and fellowship program, and make such expertise available to the Administration as directed by the Administrator;

(3) evaluate activities conducted under grants and contracts awarded pursuant to sections 206 and 207 of this title to assure that the purposes set forth in section 203 of this title are implemented;

(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national space grant college and fellowship program, on a cooperative or other basis;

(5) encourage cooperation and coordination with other Federal programs concerned with the development of space resources and fields related to space;

(6) advise the Administrator on the designation of recipients supported by the national space grant college and fellowship program and, in appropriate cases, on the termination or suspension of any such designation; and

(7) encourage the formation and growth of space grant and fellowship programs.

(c) To carry out the provisions of this title, the Administrator may—

(1) accept conditional or unconditional gifts or donations of services, money, or property, real, personal or mixed, tangible or intangible; Gifts and property.

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(2) accept and use funds from other Federal departments, agencies, and instrumentalities to pay for fellowships, grants, contracts, and other transactions; and

(3) issue such rules and regulations as may be necessary and appropriate. Regulations.

SEC. 206. (a) The Administrator may make grants and enter into contracts or other transactions under this subsection to assist any space grant and fellowship program or project if the Administrator finds that such program or project will carry out the purposes set forth in section 203 of this title. The total amount paid pursuant to any such grant or contract may equal 66 percent, or any lesser percent, of the total cost of the space grant and fellowship program or project involved, except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Administrator pursuant to section 205(c)(2) of this title. 42 USC 2486d.

(b) The Administrator may make special grants under this subsection to carry out the purposes set forth in section 203 of this title. The amount of any such grant may equal 100 percent, or any lesser percent, of the total cost of the project involved. No grant may be made under this subsection, unless the Administrator finds that—

(1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a) of this section;

(2) the probable benefit of such project outweighs the public interest in such matching requirement; and

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) of this section or section 207 of this title.

Regulations.

(c) Any person may apply to the Administrator for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Administrator shall by regulation prescribe.

(d)(1) Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2) and (3) of this subsection and to such other terms, conditions and requirements as the Administrator considers necessary or appropriate.

(2) No payment under any grant or contract under this section may be applied to—

(A) the purchase of any land;

(B) the purchase, construction, preservation, or repair of any building; or

(C) the purchase or construction of any launch facility or launch vehicle.

(3) Notwithstanding paragraph (2) of this subsection, the items in subparagraphs (A), (B), and (C) of such paragraph may be leased upon written approval of the Administrator.

Regulations.

(4) Any person who receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Administrator shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for three years after the completion of

101 STAT. 873

such a program or project. The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers and records of receipts which, in the opinion of the Administrator or the Comptroller General, may be related or pertinent to such grants and contracts.

42 USC 2486e.

SEC. 207. (a) The Administrator shall identify specific national needs and problems relating to space. The Administrator may make grants or enter into contracts under this section with respect to such needs or problems. The amount of any such grant or contract may equal 100 percent, or any lesser percent, of the total cost of the project involved.

(b) Any person may apply to the Administrator for a grant or contract under this section. In addition, the Administrator may invite applications with respect to specific national needs or problems identified under subsection (a) of this section. Application shall be made in such form and manner, and with such content and other submissions, as the Administrator shall by regulation prescribe. Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in section 206(d)(2) and (4) of this title and to such other terms, conditions, and requirements as the Administrator considers necessary or appropriate.

42 USC 2486f.

SEC. 208. (a)(1) The Administrator may designate—

(A) any institution of higher education as a space grant college; and

(B) any association or other alliance of two or more persons, other than individuals, as a space grant regional consortium.

(2) No institution of higher education may be designated as a space grant college, unless the Administrator finds that such institution—

(A) is maintaining a balanced program of research, education, training, and advisory services in fields related to space;

(B) will act in accordance with such guidelines as are prescribed under subsection (b)(2) of this section; and

(C) meets such other qualifications as the Administrator considers necessary or appropriate.

(3) No association or other alliance of two or more persons may be designated as a space grant regional consortium, unless the Administrator finds that such association or alliance—

(A) is established for the purpose of sharing expertise, research, educational facilities or training facilities, and other capabilities in order to facilitate research, education, training, and advisory services, in any field related to space;

(B) will encourage and follow a regional approach to solving problems or meeting needs relating to space, in cooperation with appropriate space grant colleges, space grant programs, and other persons in the region;

(C) will act in accordance with such guidelines as are prescribed under subsection (b)(2) of this section; and

(D) meets such other qualifications as the Administrator considers necessary or appropriate.

(b) The Administrator shall by regulation prescribe— Regulations.

(1) the qualifications required to be met under subsection (a)(2)(C) and (3)(D) of this section; and

(2) guidelines relating to the activities and responsibilities of space grant colleges and space grant regional consortia. 101 STAT. 874

(c) The Administrator may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a) of this section.

SEC. 209. (a) The Administrator shall support a space grant fellowship program to provide educational and training assistance to qualified individuals at the graduate level of education in fields related to space. Such fellowships shall be awarded pursuant to guidelines established by the Administrator. Space grant fellowships shall be awarded to individuals at space grant colleges, space grant regional consortia, other colleges and institutions of higher education, professional associations, and institutes in such a manner as to assure wide geographic and institutional diversity in the pursuit of research under the fellowship program. 42 USC 2486g.

(b) The total amount which may be provided for grants under the space grant fellowship program during any fiscal year shall not exceed an amount equal to 50 percent of the total funds appropriated for such year pursuant to this title.

(c) Nothing in this section shall be construed to prohibit the Administrator from sponsoring any research fellowship program, including any special emphasis program, which is established under an authority other than this title.

SEC. 210. (a) The Administrator shall establish an independent committee known as the space grant review panel, which shall not be subject to the provisons of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.; Public Law 92-463). 42 USC 2486h.

(b) The panel shall take such steps as may be necessary to review, and shall advise the Administrator with respect to—

(1) applications or proposals for, and performance under, grants and contracts awarded pursuant to sections 206 and 207 of this title;

(2) the space grant fellowship program;

(3) the designation and operation of space grant colleges and space grant regional consortia, and the operation of space grant and fellowship programs;

(4) the formulation and application of the planning guidelines and priorities pursuant to section 205 (a) and (b)(1) of this title; and

(5) such other matters as the Administrator refers to the panel for review and advice.

(c) The Administrator shall make available to the panel any information, personnel and administrative services and assistance which is reasonable to carry out the duties of the panel.

(d)(1) The Administrator shall appoint the voting members of the panel. A majority of the voting members shall be individuals who,

by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields related to space. The other voting members shall be individuals who, by reason of knowledge, experience or training, are especially qualified in, or representative of, education, extension services, State government, industry, economics, planning, or any other activity related to efforts to enhance the understanding, assessment, development, or utilization of space resources. The Administrator shall consider the potential conflict of interest of any individual in making appointments to the panel.

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(2) The Administrator shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(3) Voting members of the panel who are not Federal employees shall be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(4) The panel shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Administrator.

(5) The panel may exercise such powers as are reasonably necessary in order to carry out the duties enumerated in subsection (b) of this section.

42 USC 2486i.

SEC. 211. Each department, agency or other instrumentality of the Federal Government which is engaged in or concerned with, or which has authority over, matters relating to space—

(1) may, upon a written request from the Administrator, make available, on a reimbursable basis or otherwise, any personnel (with their consent and without prejudice to their position and rating), service, or facility which the Administrator considers necessary to carry out any provision of this title;

(2) may, upon a written request from the Administrator, furnish any available data or other information which the Administrator considers necessary to carry out any provision of this title; and

(3) may cooperate with the Administration.

42 USC 2486j.

SEC. 212. (a) The Administrator shall submit to the Congress and the President, not later than January 1, 1989, and not later than February 15 of every odd-numbered year thereafter, a report on the activities of the national space grant and fellowship program.

(b) The Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy in the Executive Office of the President shall have the opportunity to review each report prepared pursuant to subsection (a) of this section. Such Directors may submit, for inclusion in such report, comments and recommendations and an independent evaluation of the national space grant college and fellowship program. Such comments and recommendations shall be submitted to the Administrator not later than 90 days before such a report is submitted pursuant to subsection (a) of this section and the Administrator shall include such comments and recommendations as a separate section in such report.

42 USC 2486k.

SEC. 213. The Administrator shall not under this title designate any space grant college or space grant regional consortium or award any fellowship, grant, or contract unless such designation or award is made in accordance with the competitive, merit-based review process employed by the Administration on the date of enactment of this Act.

Appropriation authorization.
42 USC 2486*l*.

SEC. 214. (a) There are authorized to be appropriated for the purposes of carrying out the provisions of this title sums not to exceed—

(1) $10,000,000 for each of fiscal years 1988 and 1989; and

(2) $15,000,000 for each of fiscal years 1990 and 1991.

(b) Such sums as may be appropriated under this section shall remain available until expended.

TITLE III—AMENDMENTS TO THE LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984

Land Remote-Sensing Commercialization Act Amendments of 1987. 15 USC 4201 note.

SEC. 301. This title may be cited as the "Land Remote-Sensing Commercialization Act Amendments of 1987".

SEC. 302. The Congress finds and declares that—

(1) the implementation of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.) has begun and some of the major milestones contained in that Act have been met;

(2) Congress remains strongly committed to the guiding principles set forth in that Act;

(3) notwithstanding the accomplishments thus far, the relationships among the involved Federal agencies and the private sector have not yet been adequately defined; and

(4) inasmuch as the technical development and commercial applications of future land remote-sensing systems cannot now be predicted with certainty, it is in the national interest of the United States that the involved Federal agencies and the private sector remain flexible in carrying out their respective responsibilities under that Act.

101 STAT. 876

SEC. 303. It is therefore the purpose of this title to set forth amendments to the Land Remote-Sensing Commercialization Act of 1984 to ensure that— 15 USC 4201 note.

(1) the original intent of that Act is carried out in the most effective manner consistent with the guiding principles expressed therein;

(2) specific mechanisms for carrying out the original intent of that Act are provided in those cases where none have materialized thus far; and

(3) the working relationships among involved Federal agencies and private sector parties for the purpose of carrying out that Act are fully developed and mutually understood.

SEC. 304. Section 202(a)(4) of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4212(a)(4)) is amended by inserting before the semicolon at the end thereof the following: ", except in the case of research and development activities conducted in accordance with section 504".

SEC. 305. Title III of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4221 et seq.) is amended by adding at the end thereof the following new section:

"DISPOSITION OF GOVERNMENT ASSETS

"SEC. 308. Following the completion of a contract made pursuant to this title, the Secretary may, upon 30 days advance notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, dispose of assets (other than real property) under the control of the Secretary in a manner which best ensures the continuation of the contractor's commercial activity.". Contracts. 15 USC 4228.

SEC. 306. Section 502 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4262) is amended to read as follows:

"RESEARCH AND DEVELOPMENT ACTIVITIES OF FEDERAL AGENCIES

"SEC. 502. Each Federal agency is authorized and encouraged to provide data gathered in experimental remote-sensing space programs to related research and development programs funded by the Federal Government (including application programs) and to cooperative research programs if the Federal agency involved determines that the data will not be used—

"(1) for any commercial purpose; or

"(2) in substantial competition with data available from a licensee under this Act;

except pursuant to section 503.".

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SEC. 307. Title V of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4261 et seq.) is amended by adding at the end thereof the following new section:

"RESEARCH AND DEVELOPMENT ACTIVITIES OF SYSTEM OPERATORS

15 USC 4264. "SEC. 504. Notwithstanding section 601, any system operator under title II, III, or IV of this Act, or any marketing entity under section 503 of this Act, may provide data for any research and development programs if—

"(1) a complete and timely disclosure of the results of such research and development is made in the open technical literature or is otherwise made publicly available;

Reports. "(2) the system operator or marketing entity provides to the Secretary an annual report of all research and development data transactions including the nature of any cooperative agreements and the prices charged for data; and

"(3) the data are not used for commercial purposes or in substantial competition with data available from a licensee under this Act.".

SEC. 308. Section 603 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4273) is amended to read as follows:

"NONREPRODUCTION

"SEC. 603. In addition to such other terms and conditions as the system operator may set forth in compliance with section 601 of this Act, the system operator may require that unenhanced data not be reproduced or disseminated by any foreign or domestic purchaser.".

Approved October 30, 1987.

LEGISLATIVE HISTORY—H.R. 2782 (S. 1164):

HOUSE REPORTS: No. 100-204 (Comm. on Science, Space, and Technology).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 9, considered and passed House.
July 10, considered and passed Senate, amended, in lieu of S. 1164.
Oct. 8, House concurred in Senate amendment with amendment.
Oct. 13, Senate concurred in House amendment.

Public Law 100-17
100th Congress

An Act

To authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

Apr. 2, 1987
[H.R. 2]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Surface Transportation and Uniform Relocation Assistance Act of 1987.
State and local governments.
23 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Surface Transportation and Uniform Relocation Assistance Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

Sec. 101. Short title.
Sec. 102. Approval of interstate cost estimate and extension of interstate program.
Sec. 103. Approval of cost estimate and authorization of appropriations for interstate substitute projects.
Sec. 104. Authorization of appropriations for interstate system construction.
Sec. 105. Obligation ceiling.
Sec. 106. Authorization of appropriations.
Sec. 107. Federal-aid primary formula.
Sec. 108. Elimination of roadside obstacles.
Sec. 109. Emergency call boxes.
Sec. 110. Vending machines and State police barracks.
Sec. 111. Contracts.
Sec. 112. Convict produced materials.
Sec. 113. Advance construction.
Sec. 114. Interstate discretionary funds.
Sec. 115. Flexibility of use of highway funds.
Sec. 116. Interstate 4R program.
Sec. 117. Federal share.
Sec. 118. Emergency relief.
Sec. 119. Vehicle weight.
Sec. 120. Toll facilities.
Sec. 121. Railway-highway crossings.
Sec. 122. Indian employment and contracting.
Sec. 123. Bridge program.
Sec. 124. Minimum allocation.
Sec. 125. National bridge inspection program.
Sec. 126. Income from airspace rights-of-way.
Sec. 127. Funding for bicycle projects.
Sec. 128. Strategic highway research program.
Sec. 129. Highway planning and research.
Sec. 130. Wildflowers.
Sec. 131. National Highway Institute.
Sec. 132. Prohibition against disclosure and admission as evidence of State reports and surveys.
Sec. 133. Highway technical amendments.
Sec. 134. Forest highways.
Sec. 135. Regulation of tolls.
Sec. 136. Implementation of certain orders.
Sec. 137. Combined road plan demonstration program.
Sec. 138. Project eligibility.
Sec. 139. Eligibility of park and ride facilities.
Sec. 140. Planning, design, and construction.
Sec. 141. Transfer of interstate lanes.
Sec. 142. Substitute transit project in Oregon.
Sec. 143. Payback of right-of-way expenses.
Sec. 144. Georgia State route 400.
Sec. 145. Exemption from right-of-way restriction.
Sec. 146. Right-of-way donation.

Sec. 147. Shirley Highway traffic restrictions.
Sec. 148. Railroad relocation and demonstration program.
Sec. 149. Demonstration and priority projects.
Sec. 150. Cumberland Gap National Historical Park, Virginia.
Sec. 151. Delaware River bridges.
Sec. 152. Prohibition on widening certain routes through historic district.
Sec. 153. Urban high density program.
Sec. 154. Signs identifying funding sources.
Sec. 155. Salvage operation.
Sec. 156. Release of condition relating to conveyance of a certain highway.
Sec. 157. Maryland interstate transfer.
Sec. 158. Motor vehicle study.
Sec. 159. Rail-highway crossings study.
Sec. 160. Study of highway bridges which cross rail lines.
Sec. 161. Parking for handicapped persons.
Sec. 162. Bridge management study.
Sec. 163. State maintenance program study.
Sec. 164. Feasibility study of using highway electrification systems.
Sec. 165. Cost effectiveness study of highway upgrading.
Sec. 166. Highway feasibility study.
Sec. 167. California feasibility study.
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Sec. 410. Assurances.
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TITLE V—HIGHWAY REVENUE ACT OF 1987

Sec. 501. Short title.
Sec. 502. 5-year extension of Highway Trust Fund taxes and related exemptions.
Sec. 503. 5-year extension of Highway Trust Fund.
Sec. 504. Certain transfers from Highway Trust Fund to be made proportionately from Mass Transit Account.
Sec. 505. Treatment of long-term lessors of heavy trucks and trailers.
Sec. 506. Determination of price where tax paid by manufacturer.
Sec. 507. Imposition of highway use tax on all motor vehicles operating in United States.
Sec. 508. Application of certain revenue rulings.

SEC. 2. SECRETARY DEFINED. 23 USC 101 note.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

Federal-Aid Highway Act of 1987.

SEC. 101. SHORT TITLE. 23 USC 101 note.

This title may be cited as the "Federal-Aid Highway Act of 1987". 101 STAT. 135

SEC. 102. APPROVAL OF INTERSTATE COST ESTIMATE AND EXTENSION OF INTERSTATE PROGRAM.

(a) FISCAL YEAR 1988.—The Secretary shall apportion for fiscal year 1988 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the Committee Print Numbered 100-5 of the Committee on Public Works and Transportation of the House of Representatives. 23 USC 104 note. 23 USC 101 note.

(b) EXTENSION OF INTERSTATE PROGRAM THROUGH FISCAL YEAR 1993.—

(1) EXTENSION OF ICE APPROVAL PROCESS.—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting after "September 30, 1990." the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making appor-

tionments for the fiscal years 1991 and 1992. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1991. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year 1993.".

(2) ADMINISTRATIVE ADJUSTMENT OF ICE; EXCESS APPORTIONMENTS.—Such section 104(b)(5)(A) is further amended by adding at the end the following: "On October 1 of each of fiscal years 1988, 1989, 1990, and 1991, whenever Congress has not approved a cost estimate under this subparagraph, the Secretary shall make the apportionment required by this subparagraph using the Federal share of the last estimate submitted to Congress, adjusted to reflect (i) all previous credits, apportionments of interstate construction funds and lapses of previous apportionments of interstate construction funds, (ii) previous withdrawals of interstate segments, (iii) previous allocations of interstate discretionary funds, and (iv) transfers of interstate construction funds. If, before apportionment of funds under this subparagraph for any fiscal year, the Secretary and a State highway department agree that a portion of the apportionment to such State is not needed for such fiscal year, the amount of such portion shall be made available under section 118(b)(2) of this title.".

(3) CONFORMING AMENDMENT.—The second paragraph of section 101(b) of such title is amended—

(A) by striking out "thirty-four years' " and inserting in lieu thereof "thirty-seven years' "; and

(B) by striking out "1990" and inserting in lieu thereof "1993".

Alaska.
23 USC 104 note.

(c) MINIMUM APPORTIONMENT.—For any fiscal year beginning after September 30, 1987, no State, including the State of Alaska,

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shall receive less than ½ of 1 percent of the total apportionment for the Interstate System under section 104(b)(5)(A) of title 23, United States Code. Whenever amounts made available under this subsection for the Interstate System in any State exceed the estimated cost of completing that State's portion of the Interstate System, and exceed the estimated cost of necessary resurfacing, restoration, rehabilitation, and reconstruction of the Interstate System within such State, the excess amount shall be eligible for expenditure for those purposes for which funds apportioned under paragraphs (1), (2), and (6) of such section 104(b) may be expended and shall also be available for expenditure to carry out section 152 of title 23, United States Code.

SEC. 103. APPROVAL OF COST ESTIMATE AND AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SUBSTITUTE PROJECTS.

23 USC 103 note.

(a) FISCAL YEAR 1987.—The Secretary shall apportion for fiscal year 1987 the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the Committee Print Numbered 100-6 of the Committee on Public Works and Transportation of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS; PERIOD OF AVAILABILITY OF APPORTIONED FUNDS; EXTENSION OF SUBSTITUTE ICE APPROVAL PROCESS.—Section 103(e)(4) of title 23, United States Code, is amended to read as follows:

"(4) INTERSTATE SUBSTITUTE PROGRAM.—

"(A) WITHDRAWAL OF APPROVAL.—Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw approval of any route or portion thereof on the Interstate System which was selected

and approved in accordance with this title, if the Secretary determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if the Secretary receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof.

"(B) SUBSTITUTE PROJECTS.—When the Secretary withdraws approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under this paragraph, or the date of approval of the 1983 interstate cost estimate, whichever is earlier, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or highway construction projects on any public road, or both, which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located. Each project constructed under this paragraph on a Federal-aid system shall be subject to the provisions of this title applicable to such system. Each project constructed under this paragraph not on a Federal-aid system shall be subject to the provisions of this title applicable to projects on the Federal-aid secondary system. 101 STAT. 137

"(C) DEADLINE FOR WITHDRAWAL.—The Secretary shall not approve any withdrawal of a route under this paragraph after September 30, 1983—

"(i) except that with respect to any route which on November 6, 1978, is under judicial injunction prohibiting its construction the Secretary may approve withdrawals until September 30, 1986, and

"(ii) except that with respect to any route which on May 12, 1982, is under judicial injunction prohibiting its construction, the Secretary may approve withdrawals on such route until September 30, 1985.

"(D) PROJECT APPROVAL; FEDERAL SHARE.—Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 percent of the cost thereof.

"(E) AVAILABILITY OF FUNDS FOR SUBSTITUTE PROJECTS.—

"(i) TIME PERIOD.—The sums apportioned and the sums allocated under this paragraph for public mass transit projects and for highway construction projects in a State shall remain available for obligation in such State for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year.

"(ii) REAPPORTIONMENT OR REALLOCATION.—Any sums which are apportioned or allocated to a State and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of the period of availability established by clause (i) shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them. Such reapportionments shall be in accordance with the latest approved or adjusted estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.

"(F) ADMINISTRATION OF TRANSIT FUNDS.—The sums obligated for mass transit projects under this paragraph shall become part of, and be administered through, the Urban Mass Transportation Fund.

101 STAT. 138

"(G) AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY PROJECTS.—For the fiscal year ending September 30, 1983, $257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for expenditure under this paragraph for projects under highway assistance programs $700,000,000 per fiscal year for each of fiscal years 1984 and 1985, $693,825,000 for fiscal year 1986, and $740,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

"(H) DISTRIBUTION OF SUBSTITUTE HIGHWAY FUNDS.—

"(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Subject to section 149(d) of the Federal-Aid Highway Act of 1987, 25 percent of the funds made available by subparagraph (G) for each of fiscal years 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991 for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary.

"(ii) FISCAL YEARS 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1985, 1986, and 1987.

"(iii) FISCAL YEARS 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share

of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making apportionments for substitute highway projects for fiscal years 1989, 1990, and 1991. The adjustments required by this clause shall reflect previous withdrawals of interstate segments, changes in State estimates in the division of funds between substitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reapportionment of funds under subparagraph (E). 101 STAT. 139

"(I) AUTHORIZATION OF APPROPRIATIONS FOR TRANSIT PROJECTS.—There are authorized to be appropriated for liquidation of obligations incurred for substitute transit projects under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964. 49 USC app. 1603.

"(J) DISTRIBUTION OF SUBSTITUTE TRANSIT FUNDS.—

"(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Fifty percent of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress or adjusted by the Secretary.

"(ii) FISCAL YEARS 1985, 1986, AND 1987 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1985, 1986, and 1987.

"(iii) FISCAL YEARS 1988, 1989, 1990, AND 1991 APPORTIONMENTS.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal year 1988. If such estimate is not approved by Congress by September 30, 1987, the Secretary shall adjust such estimate in accordance with this clause and use the Federal share of the adjusted estimate in making apportionments for fiscal year 1988. The Secretary shall adjust such estimate annually thereafter in accordance with this clause and shall use the Federal share of such adjusted estimate in making apportionments for substitute transit projects for fiscal years 1989, 1990, and 1991. The adjustments required by this clause shall reflect previous withdrawals of Interstate segments, changes in State estimates in the division of funds between substitute highway and transit projects, amounts made available in prior fiscal years, and the availability and reapportionment of funds under subparagraph (E).

"(K) REDUCTION OF INTERSTATE APPORTIONMENT.—

"(i) IN GENERAL.—Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the

101 STAT. 140

Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by the Congress.

"(ii) EXCEPTION.—In any State where the withdrawal of an interstate route or portion thereof has been approved under this section prior to the date of the enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on such date of enactment shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown in the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all interstate routes in that State, as shown in such cost estimate; except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph before such date of enactment.

23 USC 101 note.

"(L) APPLICABILITY OF UMTA.—

"(i) SUPPLEMENTARY FUNDS.—Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964.

49 USC app. 1601 note.

"(ii) LABOR PROTECTION.—The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964 shall apply in carrying out this paragraph.

49 USC app. 1602.

"(M) LIMITATION ON INTERSTATE DESIGNATIONS.—After the date of the enactment of the Federal-Aid Highway Act of 1978, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title.

23 USC 101 note.

"(N) OPEN TO TRAFFIC REQUIREMENT.—After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph.

"(O) LIMITATION ON SUBSTITUTION FOR STATUTORILY DESIGNATED ROUTES.—Any route or segment which was statutorily designated after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.

"(P) RIGHT-OF-WAY PAYBACK.—

"(i) ENFORCEMENT.—Of sums apportioned or allocated under this paragraph to a State, the Secretary shall not obligate for projects in such State an amount equal to the amount of Federal funds expended to purchase the right-of-way for any withdrawn route or portion thereof if the right-of-way is not first disposed of (or applied to a project in accordance with paragraph (5)(B), (6)(B), or (7)) by the State.

101 STAT. 141

"(ii) LIMITATION ON APPLICABILITY.—Clause (i) shall not apply to sums apportioned or allocated under this paragraph to a State for a fiscal year if the projected total amount of funds to be apportioned and allocated under this paragraph to such State in succeeding fiscal years exceeds the amount of Federal funds expended to purchase the right-of-way.

"(iii) RELEASE OF FUNDS.—The Secretary may obligate for projects in a State under this paragraph any funds withheld from obligation in such State if the State repays an equivalent amount in accordance with paragraph (5)(B), (6)(B), or (7), as the case may be, or if the Secretary determines that such repayment is not required under such paragraph.".

(c) SUBSTITUTE TRANSIT PROJECTS.— 23 USC 103 note.

(1) INCREASE IN COST TO COMPLETE.—The cost of completing substitute transit projects under section 103(e)(4)(B) of title 23, United States Code, is increased by $100,000,000.

(2) APPORTIONMENT FACTORS.—Notwithstanding section 103(e)(4) of such title, funds appropriated to carry out projects as a result of enactment of paragraph (1) shall be made available in accordance with the apportionment factors contained in the Committee Print Numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

(d) CONTRACT DEADLINE FOR SUBSTITUTE PROJECTS.—

(1) ELIMINATION.—Subsection (e) of section 107 of the Federal-Aid Highway Act of 1978 (23 U.S.C. 103 note) is amended—

(A) in the first sentence by striking out "and all Interstate substitute projects pursuant to subsection (e)(4) of section 103 of title 23, United States Code (for which the Secretary finds that sufficient Federal funds are available)"; and

(B) in the second sentence by striking out "and in the case" and all that follows through the period at the end of such subsection and inserting in lieu thereof a period.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect September 29, 1986. 23 USC 103 note.

(e) INCLUSION OF CERTAIN COSTS AS NON-FEDERAL SHARE.—If the State of Oregon completes construction of a segment of an east-west highway which segment connects 158th Avenue and Cornelius Pass Road in Washington County, Oregon, with funds made available under section 103(e)(4) of title 23, United States Code, the Secretary shall include as part of the non-Federal share of the cost of construction of such segment all funds expended by private land developers after January 1, 1980, on construction of such segment. Oregon.

(f) CONFORMING AMENDMENTS.—(1) Section 103(e) of title 23, United States Code, is amended—

(A) by inserting "INTERSTATE SYSTEM.—" before "(1) The Interstate";

(B) in paragraph (1) by inserting "DESIGNATION; MILEAGE LIMITATION.—" before "The Interstate";

(C) in paragraph (2) by inserting "MODIFICATIONS.—" before "In addition";

(D) in paragraph (3) by inserting "ADDITIONAL MILEAGE FOR IMPROVED EFFICIENCY.—" before "In addition";

101 STAT. 142

(E) in paragraph (5) by inserting "LIMITATION ON REFUNDS FOR WITHDRAWALS BEFORE NOVEMBER 6, 1978.—" before "Notwithstanding" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(F) in paragraph (6) by inserting "LIMITATION ON REFUNDS FOR WITHDRAWALS ON AND AFTER NOVEMBER 6, 1978.—" before "Notwithstanding" and by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a period;

(G) in paragraph (7) by inserting "ADDITIONAL LIMITATION ON REFUNDS.—" before "In any" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(H) in paragraph (8) by inserting "PROTECTION OF PROPERTY RIGHTS.—" before "Nothing";

(I) in paragraph (9) by inserting "LIMITATION ON FUNDING OF MODIFIED MILEAGE PROJECTS.—" before "Interstate mileage";

(J) by indenting paragraph (1) and aligning such paragraph and paragraphs (2), (3), (5), (6), (7), (8), and (9) with paragraph (4) of such section, as amended by subsection (b) of this section; and

(K) by aligning subparagraphs (A) and (B) of paragraphs (5) and (6) with subparagraph (A) of such paragraph (4).

(2) Section 107(c)(2) of the Highway Improvement Act of 1982 (23 U.S.C. 103 note) is amended—

(A) by striking out "the second sentence" and inserting in lieu thereof "subparagraph (B)"; and

(B) by striking out "such sentence" and inserting in lieu thereof "such subparagraph".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM CONSTRUCTION.

23 USC 101 note.

The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking out "and" after "September 30, 1987," and all that follows through the period at the end of such sentence and inserting in lieu thereof the following: "the additional sum of $3,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,150,000,000 for the fiscal year ending September 30, 1989, the additional sum of $3,150,000,000 for the fiscal year ending September 30, 1990, the additional sum of $3,150,000,000 for the fiscal year ending September 30, 1991, the additional sum of $3,150,000,000 for the fiscal year ending September 30, 1992, and the additional sum of $1,400,000,000 for the fiscal year ending September 30, 1993.".

23 USC 104 note.

SEC. 105. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $12,350,000,000 for fiscal year 1987;

(2) $12,350,000,000 for fiscal year 1988;

(3) $12,350,000,000 for fiscal year 1989;

(4) $12,350,000,000 for fiscal year 1990; and

(5) $12,350,000,000 for fiscal year 1991.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

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(3) under section 320 of such title;

(4) under section 147 of the Surface Transportation Assistance Act of 1978;

23 USC 144 note.
95 Stat. 1701.

(5) under section 9 of the Federal-Aid Highway Act of 1981;

(6) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

96 Stat. 2119.

(7) under section 118 of the National Visitor Center Facilities Act of 1968; and

40 USC 801 note.

(8) under section 404 of the Surface Transportation Assistance Act of 1982.

49 USC app. 2304.

Such limitations shall also not apply to obligations of funds made available by subsections (b) and (c) of section 149 of this Act.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1987, 1988, 1989, 1990, and 1991 the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(d) LIMITATION ON OBLIGATION AUTHORITY.—During the period October 1 through December 31 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and 23 USC 101 note. 23 USC 101 note.

(3) not distribute amounts authorized for administrative expenses, studies under sections 159, 164, 165, and 167 of this Act, Federal lands highways programs, and the strategic highway research program and amounts made available under section 149(d) of this Act.

(f) ADDITIONAL OBLIGATION AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1987, 1988, 1989, 1990, or 1991 obligates the amount distributed to such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State— 101 STAT. 144

(A) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each of fiscal years 1987, 1988, 1989, 1990, and 1991, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(B) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1987, 1988, 1989, 1990, or 1991, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall not exceed $10,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(h) CONFORMING AMENDMENT.—Section 157(b) of title 23, United States Code, is amended by striking out the period at the end of the last sentence and inserting in lieu thereof "and section 105(c) of the Federal-Aid Highway Act of 1987.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) FROM THE HIGHWAY TRUST FUND.—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE 4R PROGRAM.—For resurfacing, restoring, rehabilitating, and reconstructing the National System of Interstate and Defense Highways $2,815,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, 1991, and 1992.

(2) FEDERAL-AID PRIMARY SYSTEM.—For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes $2,325,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(3) FEDERAL-AID SECONDARY SYSTEM.—For the Federal-aid secondary system in rural areas $600,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990. and 1991.

101 STAT. 145

(4) FEDERAL-AID URBAN SYSTEM.—For the Federal-aid urban system $750,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(5) BRIDGE REPLACEMENT AND REHABILITATION.—For bridge replacement and rehabilitation under section 144, $1,630,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(6) ELIMINATION OF HAZARDS.—For projects for elimination of hazards under section 152, $170,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(7) INDIAN RESERVATION ROADS.—For Indian reservation roads $80,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(8) FOREST HIGHWAYS.—For forest highways $55,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(9) PUBLIC LANDS HIGHWAYS.—For public lands highways $40,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(10) PARKWAYS AND PARK HIGHWAYS.—For parkways and park highways $60,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(11) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 by the Federal Highway Administration $10,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(12) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out sections 307(a) and 403 by the Federal Highway Administration $10,000,000 per fiscal year for fiscal years 1987, 1988, 1989, 1990, and 1991.

(13) RAILROAD-HIGHWAY CROSSINGS.—For carrying out projects for the elimination of railway-highway crossings on any public road, $160,000,000 for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) TRANSPORTATION OF CERTAIN NUCLEAR WASTE.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, $58,000,000, to remain available until expended, for the upgrading of certain highways in the State of New Mexico for the transportation of nuclear waste generated during defense-related activities.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I and III of this Act or obligated under titles I, II, and III (other than section 203) of

the Surface Transportation Assistance Act of 1982 after the date of the enactment of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. 23 USC 101, 401; 49 USC app. 1601 note; 96 Stat. 2138.

(2) DEFINITIONS.—For purposes of this subsection—

(A) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $14,000,000, as adjusted by the Secretary for inflation. 101 STAT. 146

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, résumé of principal owners, financial capacity, and type of work preferred.

(5) APPLICABILITY.—Section 105(f) of the Surface Transportation Assistance Act of 1982 shall not apply to amounts authorized under such Act and obligated after the date of the enactment of this Act. 96 Stat. 2100.

SEC. 107. FEDERAL-AID PRIMARY FORMULA.

Section 108 of the Highway Improvement Act of 1982 (23 U.S.C. 104 note) is amended by striking out "and 1986" each place it appears and inserting in lieu thereof "1986, 1987, 1988, 1989, 1990, and 1991".

SEC. 108. ELIMINATION OF ROADSIDE OBSTACLES.

The second undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of construction, is amended by inserting after "grade crossings," the following: "elimination of roadside obstacles,".

SEC. 109. EMERGENCY CALL BOXES.

The tenth undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of highway safety improvement project, is amended by inserting after "pavement marking," the following: "installs or replaces emergency motorist-aid call boxes,".

SEC. 110. VENDING MACHINES AND STATE POLICE BARRACKS.

(a) VENDING MACHINES.—Section 111 of title 23, United States Code, is amended by inserting "(a) IN GENERAL.—" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) VENDING MACHINES.—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending

machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the
101 STAT. 147 State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(b) STATE POLICE BARRACKS.—Notwithstanding any provision of section 111 of title 23, United States Code, the Commonwealth of Massachusetts is authorized to construct a State Police Barracks, including customary access and egress, on State owned property at the intersection of I-93 and Route 3, in Quincy, Massachusetts.

SEC. 111. CONTRACTS.

(a) LETTING OF CONTRACTS.—Section 112(b) of title 23, United States Code, is amended by inserting "or that an emergency exists" before the period at the end of the first sentence.

(b) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b) of such title is further amended by striking out "Construction" and inserting in lieu thereof "(1) IN GENERAL.—Subject to paragraph (2), construction" and by adding at the end thereof the following new paragraph:

"(2) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—

"(A) GENERAL RULE.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative
40 USC 541. Services Act of 1949 or equivalent State qualifications-based requirements.

"(B) APPLICABILITY.—

"(i) IN A COMPLYING STATE.—If, on the date of the enactment of this paragraph, the services described in subparagraph (A) may be awarded in a State in the manner described in subparagraph (A), subparagraph (A) shall apply in such State beginning on such date of enactment, except to the extent that such State adopts by statute a formal procedure for the procurement of such services.

"(ii) IN A NONCOMPLYING STATE.—In the case of any other State, subparagraph (A) shall apply in such State beginning on the earlier of (I) August 1, 1989, or (II) the 10th day following the close of the 1st regular session of the legislature of a State which begins after the date of the enactment of this paragraph, except to the extent that such State adopts or has adopted by statute a formal procedure for the procurement of the services described in subparagraph (A).".

(c) STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.—Section 112 of such title is amended by redesignating subsection (e), and any references thereto, as subsection (f), and by inserting after subsection (d) the following new subsection:

"(e) STANDARDIZED CONTRACT CLAUSE CONCERNING SITE
101 STAT. 148 CONDITIONS.—

Regulations. "(1) GENERAL RULE.—The Secretary shall issue regulations establishing and requiring, for inclusion in each contract entered into with respect to any project approved under section
23 USC 106. 106 of this title a contract clause, developed in accordance with guidelines established by the Secretary, which equitably addresses each of the following:

"(A) Site conditions.

"(B) Suspensions of work ordered by the State (other than a suspension of work caused by the fault of the contractor or by weather).

"(C) Material changes in the scope of work specified in the contract.

The guidelines established by the Secretary shall not require arbitration.

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall apply in a State except to the extent that such State adopts or has adopted by statute a formal procedure for the development of a contract clause described in paragraph (1) or adopts or has adopted a statute which does not permit inclusion of such a contract clause.".

(d) CONFORMING AMENDMENTS.—Section 112(b) of such title is further amended—

(1) by inserting "BIDDING REQUIREMENTS.—" after "(b)"; and

(2) by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by such subsection.

SEC. 112. CONVICT PRODUCED MATERIALS.

(a) IN GENERAL.—Subsection (b) of section 114 of title 23, United States Code, is amended to read as follows:

"(b) CONVICT LABOR AND CONVICT PRODUCED MATERIALS.—

"(1) LIMITATION ON CONVICT LABOR.—Convict labor shall not be used in construction of highways or portions of highways located on a Federal-aid system unless it is labor performed by convicts who are on parole, supervised release, or probation.

"(2) LIMITATION ON CONVICT PRODUCED MATERIALS.—Materials produced by convict labor may only be used in such construction—

"(A) if such materials are produced by convicts who are on parole, supervised release, or probation from a prison; or

"(B) if such materials are produced by convicts in a qualified prison facility and the amount of such materials produced in such facility for use in such construction during any 12-month period does not exceed the amount of such materials produced in such facility for use in such construction during the 12-month period ending July 1, 1987.

"(3) QUALIFIED PRISON FACILITY DEFINED.—As used in this subsection, 'qualified prison facility' means any prison facility in which convicts, during the 12-month period ending July 1, 1987, produced materials for use in construction of highways or portions of highways located on a Federal-aid system.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by inserting "CONSTRUCTION WORK IN GENERAL.—" before "The construction of".

101 STAT. 149

(2) Section 202 of the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Act, 1985 is repealed.

23 USC 114 note.

(3) Section 1761(d) of title 18, United States Code, is repealed.

SEC. 113. ADVANCE CONSTRUCTION.

(a) SUBSTITUTE, URBAN, SECONDARY, BRIDGE, PLANNING, RESEARCH, AND SAFETY CONSTRUCTION PROJECTS.—Subsection (a) of section 115 of title 23, United States Code, is amended to read as follows:

"(a) SUBSTITUTE, URBAN, SECONDARY, BRIDGE, PLANNING, RESEARCH, AND SAFETY CONSTRUCTION PROJECTS.—

"(1) GENERAL RULE.—Subject to paragraph (2), when a State—

"(A)(i) has obligated all funds apportioned or allocated to it under section 103(e)(4)(H), section 104(b)(2), section 104(b)(6), section 104(f), section 130, section 144, section 152, or section 307 of this title, or

"(ii) has used or demonstrates that it will use all obligation authority allocated to it for Federal-aid highways and highway safety construction, and

"(B) proceeds with a project funded under such an apportionment or allocation without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit the State to implementation of projects with the aid of Federal funds previously apportioned or allocated to it or limit a State to implementation of a project with obligation authority previously allocated to it for Federal-aid highways and highway safety construction,

the Secretary, upon approval of an application of the State, is authorized to pay to the State the Federal share of the cost of the project when additional funds are apportioned or allocated to the State under such section or when additional obligation authority is allocated to it.

"(2) PLANS, SPECIFICATIONS, AND APPLICABLE STANDARDS.—The Secretary may only make payments to a State with respect to a project if—

"(A) prior to commencement of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

"(B) the project conforms to the applicable standards under this title.

"(3) LIMITATION WITH RESPECT TO CURRENTLY AUTHORIZED FUNDS.—The Secretary may not approve an application under this section unless an authorization for section 103(e)(4), 104, 130, 144, 152, or 307 of this title, as the case may be, is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State. No application may be approved which will exceed the State's expected apportionment of such authorizations. This paragraph shall have no effect during the period beginning January 1, 1987, and ending September 30, 1990.".

(b) PRIMARY PROJECTS.—Subsection (b)(1) of such section is amended to read as follows:

"(b) INTERSTATE AND PRIMARY PROJECTS.—

"(1) IN GENERAL.—When a State proceeds to construct any project on the Federal-aid primary system or the Interstate System without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon approval of application of the State, is authorized to pay to the State the Federal share of the cost of construction of the project when additional funds are apportioned to the State under section 104(b)(1) or 104(b)(5), as the case may be, if—

101 STAT. 150

23 USC 104.

"(A) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects, and

"(B) the project conforms to the applicable standards under section 109 of this title.".

(c) LIMITATION FOR FISCAL YEARS 1987-1990.—Such section 115 is further amended by adding at the end the following new subsection:

"(d) LIMITATION ON ADVANCED FUNDING FOR FISCAL YEARS 1987-1990.—The Secretary may not approve an application of a State under this section with respect to a project with funds apportioned, or currently authorized to be apportioned, under section 103(e)(4)(H), 104, 130, 144, 152, or 307 if the amount of approved applications with respect to such projects exceeds the total of unobligated funds apportioned or allocated to the State under such section, plus such State's expected apportionment under such section from existing

authorizations plus an amount equal to such State's expected apportionment under such section (other than section 104(b)(5)(A)) for one additional fiscal year. This subsection shall only be effective during the period beginning January 1, 1987, and ending September 30, 1990.". Effective date.

(d) CONFORMING AMENDMENTS.—(1) Such section 115 is amended—

(A) by striking out the heading for such section and inserting in lieu thereof the following:

"§ 115. Advance construction";

(B) in subsection (b)(2) by inserting "BOND INTEREST FOR PROJECTS UNDER CONSTRUCTION ON JANUARY 1, 1983.—" after "(2)";

(C) in subsection (b)(3) by inserting "BOND INTEREST.—" after "(3)";

(D) in subsection (b) by aligning paragraphs (2) and (3) with paragraph (1), as amended by subsection (b) of this section;

(E) in subsection (c) by inserting "COMPLETION OF PROJECTS.—" after "(c)"; and

(F) in subsection (c) by striking out "or 144" and inserting in lieu thereof "134, 144, 152, or 307".

(2) The analysis for chapter 1 of such title 23 is amended by striking out the item relating to section 115 and inserting in lieu thereof the following:

"115. Advance construction."

SEC. 114. INTERSTATE DISCRETIONARY FUNDS.

(a) CONSTRUCTION FUNDS; ADDITIONAL PRIORITY PROJECT.—Paragraph (2) of section 118(b) of title 23, United States Code, is amended to read as follows:

"(2) INTERSTATE CONSTRUCTION FUNDS.—

"(A) PERIOD OF AVAILABILITY.— 101 STAT. 151

"(i) APPORTIONMENTS BEFORE OCTOBER 1, 1989.—Except as otherwise provided in this subsection, sums apportioned before October 1, 1989, for the Interstate System in any State shall remain available for expenditure in the State until the end of the fiscal year for which authorized. Upon request of the State, the Secretary shall reduce the period of availability of such sums by 1 fiscal year.

"(ii) APPORTIONMENTS THEREAFTER.—Sums apportioned on or after October 1, 1989, for the Interstate System in any State shall remain available for expenditure in the State until expended.

"(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A)(i) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities: 23 USC 104.

"(i) First, for—

"(I) high cost projects which directly contribute to the completion of a segment of the Interstate System which is not open to traffic; and

"(II) high cost projects for construction of high occupancy vehicle lanes and other lanes on any highway in Los Angeles County, California, designated as a part of the Interstate System by section 140 of the Federal-Aid Highway Act of 1978 and the costs of construction of which are included in the interstate cost estimate for 1985. California. 92 Stat. 2711.

"(ii) Second, for projects of high cost in relation to a State's apportionment.

"(iii) Third, for projects with respect to which the Secretary may make payments under section 115 of this title.

"(C) LIMITATION ON STATES ELIGIBLE FOR DISCRETIONARY FUNDS.—Sums may only be made available under this paragraph in any State in a fiscal year if—

"(i)(I) the Secretary determines that the State has obligated all of its apportionments under section 104(b)(5)(A) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by the State to the Secretary for approval; or

"(II) the State certifies to the Secretary that the State will obligate before August 1 of the fiscal year all of its apportionments under section 104(b)(5)(A) other than such an insufficient amount; and

"(ii) the applicant for a project with respect to which the Secretary may not make payments under section 115 of this title is willing and able to—

"(I) apply the funds to a ready-to-commence project, and

"(II) in the case of construction work, begin work within 90 days of obligation.

California
101 STAT. 152

"(D) EXCEPTION TO LIMITATION.—The Secretary may make funds available to the State of California for construction of high occupancy vehicle and other lanes described in subparagraph (B)(i)(II) whether or not such State has met the requirements of clause (i) of subparagraph (C). Nothing in this subparagraph shall be construed to give construction of such lanes priority over projects described in subparagraph (B)(i)(I).

"(E) LIMITATION ON SECRETARY'S DISCRETION.—If, within 365 days after any sums become available for obligation under this paragraph, the Secretary does not make such sums available for first priority projects under subparagraph (B)(i) of this paragraph, the Secretary shall make such sums available for carrying out second and third priority projects under subparagraph (B).

"(F) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

(b) SET ASIDE OF 4R FUNDS FOR 4R DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended by inserting "SET ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—" after "(c)", by inserting "(1) SET ASIDE FOR CONSTRUCTION PROJECTS.—" before "Before", and by adding at the end thereof the following new paragraph:

23 USC 118.

"(2) SET ASIDE FOR 4R PROJECTS.—Before any apportionment is made under section 104(b)(5)(B) of this title, the Secretary shall set aside $200,000,000 for obligation by the Secretary in accordance with subsection (b)(3) of this section and subject to section 149(d) of the Federal-Aid Highway Act of 1987.".

(c) LIMITATIONS ON STATES AND PROJECTS ELIGIBLE FOR 4R DISCRETIONARY FUNDS.—Paragraph (3) of section 118(b) of such title is amended to read as follows:

"(3) INTERSTATE 4R FUNDS.—

"(A) PERIOD OF AVAILABILITY.—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(B) of this title shall continue to be available for expenditure in the State for a period of 1 year after the close of the fiscal year for which such sums are authorized.

"(B) DISCRETIONARY PROJECTS.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate

System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 119(e) of this title). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that— 23 USC 139.

"(i) the State has obligated all of its apportionments under section 104(b)(5)(B) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by such State to the Secretary for approval; and 23 USC 104.

"(ii) the applicant is willing and able to (I) obligate the funds within 1 year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation. 101 STAT. 153

"(C) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under subparagraph (B), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area. Urban areas.

"(D) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph shall remain available until expended.".

(d) CREDIT FOR CERTAIN UNUSED RIGHT-OF-WAY.—Notwithstanding any other provision of law, the value of unused right-of-way acquired under section 104(b)(5)(A) of title 23, United States Code, or section 118(b)(2) of such title in the State of Arizona may be credited to the unobligated balance of funds apportioned to the State under section 104(b)(5)(B) of such title if requested by the State and approved by the Secretary. Arizona.

(e) CONFORMING AMENDMENTS.—(1) The matter preceding the first colon in section 104(b) of title 23, United States Code, is amended by inserting after "subsection (a) of this section" the following: "and the set asides authorized by subsection (f) of this section and sections 118(c) and 307(d) of this title". *Ante*, p. 152; post, p. 167.

(2) Section 118 of such title is amended by striking out the heading for such section and inserting in lieu thereof the following:

"§ 118. Availability of funds".

(3) Section 118(b) of such title is amended—

(A) in paragraph (1) by inserting "PERIODS OF AVAILABILITY OF FUNDS; DISCRETIONARY PROJECTS.—" before "(1)";

(B) in paragraph (1) by inserting "PERIOD OF AVAILABILITY OF NON-INTERSTATE FUNDS.—" before "Sums";

(C) in paragraph (4) by inserting "OBLIGATION AS EQUIVALENT TO EXPENDITURES; EFFECT OF RELEASE OF FUNDS.—" before "Sums"; and

(D) by indenting paragraph (1) and aligning such paragraph and paragraph (4) with paragraph (2), as amended by subsection (a) of this section.

(4) Section 118(c) of such title is further amended—

(A) by indenting paragraph (1), as designated by subsection (b) of this section, and aligning such paragraph with paragraph (2), as added by such subsection (b); and

(B) by striking out "Such amount" and inserting in lieu thereof "Subject to section 149(d) of the Federal-Aid Highway Act of 1987, such amount".

(5) The analysis for chapter 1 of such title is amended by striking out the item relating to section 118 and inserting in lieu thereof the following:

"118. Availability of funds.".

SEC. 115. FLEXIBILITY OF USE OF HIGHWAY FUNDS.

Alaska.
Puerto Rico.

Section 118(f) of title 23, United States Code, relating to availability of sums apportioned to the State of Alaska, is amended by inserting "and the Commonwealth of Puerto Rico" after "the State of Alaska".

101 STAT. 154

SEC. 116. INTERSTATE 4R PROGRAM.

(a) TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.—Section 119(d) of title 23, United States Code, is amended to read as follows:

Massachusetts.
Motor vehicles.

"(d) TRANSFER OF INTERSTATE CONSTRUCTION APPORTIONMENTS.—Upon application by a State (other than the State of Massachusetts) and approval by the Secretary, the Secretary may transfer to the apportionments to such State under section 104(b)(1) or 104(b)(5)(B) any amount of the funds apportioned to such State for any fiscal year under section 104(b)(5)(A) if such amount does not exceed the Federal share of the costs of construction of segments of the Interstate System open to traffic in such State (other than high occupancy vehicle lanes) included in the most recent interstate cost estimate. Upon transfer of such amount, the construction on which such amount is based on open-to-traffic segments of the Interstate System in such State as included in the latest interstate cost estimate shall be ineligible and shall not be included in future interstate cost estimates approved or adjusted under section 104(b)(5)(A).".

23 USC 104.

(b) TOLL ROAD AGREEMENTS.—Section 119 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) TOLL ROAD AGREEMENTS.—

"(1) REQUIREMENT.—The Secretary may approve a project pursuant to subsection (a) on a toll road only if an agreement satisfactory to the Secretary has been reached with the State highway department and each public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections.

"(2) TERMS.—An agreement under this subsection shall contain—

"(A) a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls as specified in paragraph (1) of this subsection, Federal funds used for projects on such toll road pursuant to this subsection shall be repaid to the Federal Treasury, and

"(B) a provision requiring that if such repayment does not equal or exceed Federal funds apportioned to a State by reason of including mileage on such toll road in an apportionment formula, the apportionment to the State shall be reduced by the amount needed to make the repayment equal the amount of such Federal apportionment.

"(3) TREATMENT OF SECTION 105 AGREEMENTS.—Any agreement entered into under section 105 of the Federal-Aid Highway Act of 1978 before the date of the enactment of this subsection shall be treated as an agreement entered into under this subsection.

92 Stat. 2692.

"(f) TRANSFER OF FUNDS FOR PRIMARY SYSTEM PROJECTS.—

"(1) UPON CERTIFICATION ACCEPTANCE.—If a State certifies to the Secretary that any part of the sums apportioned to the State under section 104(b)(5)(B) of this title are in excess of the needs of the State for resurfacing, restoring, rehabilitating, or re-

constructing Interstate System routes and the Secretary accepts such certification, the State may transfer such excess part to its apportionment under section 104(b)(1). 101 STAT. 155

23 USC 104.

"(2) UNCONDITIONAL.—Notwithstanding paragraph (1), a State may transfer to its apportionment under section 104(b)(1) of this title—

"(A) in fiscal year 1987, an amount not to exceed 20 percent of the funds apportioned to the State under section 104(b)(5)(B) which are not obligated at the time of the transfer; and

"(B) in any fiscal year thereafter, an amount equal to 20 percent of the funds apportioned to the State under section 104(b)(5)(B) for such fiscal year.".

(c) CONFORMING AMENDMENTS.—(1) Section 119(a) of such title is amended by striking out "section 105 of the Federal-Aid Highway Act of 1978" and inserting in lieu thereof "subsection (e)". *Ante*, p. 154.

(2) Section 105 of the Federal-Aid Highway Act of 1978 is amended by striking out all that follows the first sentence. 92 Stat. 2692.

SEC. 117. FEDERAL SHARE.

(a) CERTAIN HIGHWAY SAFETY CONSTRUCTION PROJECTS.—Section 120(d) of title 23, United States Code, is amended by inserting after "vanpooling" the following: "or for installation of traffic signs, highway lights, guardrails, or impact attenuators".

(b) PRIORITY PRIMARY PROJECTS.—Section 120 of such title is amended by redesignating the second subsection (i) and subsections (j) and (k) (and any reference thereto) as subsections (j), (k), and (l), respectively, and in subsection (k) as so redesignated by striking out "97-61" and inserting in lieu thereof "100-3".

(c) EMERGENCY RELIEF.—

(1) IN GENERAL.—The first sentence of subsection (f) of such section is amended to read as follows: "EMERGENCY RELIEF.—The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable on a project on such system as provided in subsections (a) and (c) of this section; except that (1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 90 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof; and (2) the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, parkways, public lands highways, public lands development roads and trails, and Indian reservation roads may amount to 100 percent of the cost thereof.".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to all natural disasters and catastrophic failures which occur after the date of the enactment of this Act. 23 USC 120 note.

(d) GREAT RIVER ROAD.—Such section 120 is amended—

(1) in subsection (k), as redesignated by subsection (b), by striking out ", 148, and 155," and inserting in lieu thereof "and 155"; and

(2) by adding at the end thereof the following new subsection: 101 STAT. 156

"(m) GREAT RIVER ROAD PROJECTS.—Notwithstanding any other provision of this section, this title, or any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under section 148 of this title, the Federal share payable on account of such project shall be 95 percent of the cost thereof; except that if a State requests that the Federal share payable on account of such project be a percentage of the cost of such project which is less than 95 percent but not less than 75 percent, such percentage shall be the Federal share payable on account of such project.". 23 USC 148.

(e) INCREASED NON-FEDERAL SHARE.—Such section 120 is further amended by adding at the end the following new subsection:

"(n) INCREASED NON-FEDERAL SHARE.—Notwithstanding any other provision of this title and subject to such criteria as the Secretary may establish, a State may contribute an amount in excess of the non-Federal share of a project under this title so as to decrease the Federal share payable on such project.".

23 USC 120 note.
Bridges

(f) INCENTIVE PROGRAM FOR THE USE OF COAL ASH.—Notwithstanding sections 119, 120, and 144 of title 23, United States Code, in each of fiscal years 1987, 1988, 1989, 1990, and 1991, the percentage specified in such sections as the Federal share of the cost payable on account of any highway or bridge construction project in which materials produced from coal ash are used in significant amounts shall be increased by adding 5 percent to such percentage; except that in no case shall the Federal share payable on account of any project exceed 95 percent of the cost of such project as a result of increasing such Federal share under this subsection.

SEC. 118. EMERGENCY RELIEF.

(a) OBLIGATION CEILING.—

(1) GENERAL RULE.—Section 125(b) of title 23, United States Code, is amended by striking out "shall not exceed $30,000,000" and all that follows through "1985) in any State." and inserting in lieu thereof "in a State shall not exceed $100,000,000.".

23 USC 125 note

(2) RETROACTIVE APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to natural disasters and catastrophic failures occurring after December 31, 1985.

(b) TERRITORIES.—

Virgin Islands
Guam
American Samoa
Northern Mariana Islands

(1) TREATED AS STATES.—Section 125 of such title is amended by adding at the end thereof the following new subsection:

"(d) TREATMENT OF TERRITORIES.—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(2) LIMITATION ON OBLIGATIONS.—The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting before the period at the end the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $5,000,000".

23 USC 125 note

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

101 STAT. 157

SEC. 119. VEHICLE WEIGHT.

(a) EXCEPTION TO GENERAL VEHICLE WEIGHT RULE.—The second sentence of subsection (a) of section 127 of title 23, United States Code (relating to vehicle weight limitations for the Interstate System), is amended—

(1) by inserting "(1)" before "is 36 feet or more";

(2) by inserting after "36 feet or more" the following: ", or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container before September 1, 1988, is 30 feet or more"; and

(3) by inserting after "except in the case of the overall gross weight of any group of two or more consecutive axles" the following: "on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer, dump trailer, or ocean transport container on or after September 1, 1988)".

(b) WITHHOLDING OF FUNDS.—Subsection (a) of such section 127 is amended by striking out "lapse." and inserting in lieu thereof the

following: "lapse if not released and obligated within the availability period specified in section 118(b)(1) of this title.".

(c) OCEAN TRANSPORT CONTAINER DEFINED.—Such section 127 is amended by adding at the end thereof the following new subsection:

"(c) OCEAN TRANSPORT CONTAINER DEFINED.—For purposes of this section, the term 'ocean transport container' has the meaning given the term 'freight container' by the International Standards Organization in Series 1, Freight Containers, 3rd Edition (reference number IS0668-1979(E)) as in effect on the date of the enactment of this subsection.".

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a) by inserting "IN GENERAL.—" before "No funds"; and

(2) in subsection (b) by inserting "REASONABLE ACCESS.—" before "No State".

SEC. 120. TOLL FACILITIES.

(a) PILOT PROGRAM.—Section 129 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) PILOT PROGRAM.—

"(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Subject to the provisions of this subsection, the Secretary shall establish a pilot program which permits Federal participation in 7 toll facilities on the same basis and in the same manner as in the construction of free highways under this chapter.

"(2) LIMITATION ON TYPES OF FACILITIES.—The Secretary may only permit Federal participation under this subsection in the following type of facilities:

"(A) The construction of a new toll highway, bridge, or tunnel (other than a highway on the Interstate System). Bridges.

"(B) The reconstruction of an existing highway, bridge, or tunnel to expand its capacity (other than a highway, bridge, or tunnel on the Interstate System).

"(3) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may only permit Federal participation under this subsection in 7 facilities. One of such facilities shall be carried out in each of the following: Orange County, California, the State of Texas, the State of Pennsylvania, the State of Florida, and the State of South Carolina. The locations of the other 2 facilities shall be at the discretion of the Secretary; except that not more than 2 facilities carried out under this subsection may be located in a State. The Governor of the State of Pennsylvania shall select the facility to be carried out in such State. California. Texas. Pennsylvania. Florida. South Carolina.

101 STAT. 158

"(4) LIMITATION ON FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable for the construction or reconstruction of a toll highway, bridge, or tunnel under this subsection shall not exceed 35 percent. Bridges.

"(5) PUBLIC OWNERSHIP REQUIREMENT.—Each highway, bridge, tunnel, or approach thereto under this subsection must be publicly owned and operated; except that, under this subsection, Federal funds may participate in the approaches to a toll highway, toll bridge, or toll tunnel whether the highway, bridge, or tunnel is to be or has been constructed by a State or other public authority. Bridges.

"(6) LIMITATIONS ON USE OF REVENUES.—Before the Secretary may permit Federal participation under this subsection in a State, the State highway department must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the tolled facility constructed or reconstructed under this subsection will be used only on the tolled facility, and only for construction or reconstruction costs, or for the costs necessary for the proper operation, maintenance, and debt service of the tolled facility, including resurfacing, reconstruction, rehabilitation, and restoration.

"(7) LIMITATION ON FEDERAL PARTICIPATION TO ORIGINAL CONSTRUCTION.—Except for reconstruction to expand capacity, toll facilities may receive Federal participation under this chapter only once for the original construction or reconstruction of the facility.

"(8) EFFECT ON APPORTIONMENT.—Toll mileage constructed or reconstructed under this subsection shall not be used to increase a State's apportionment under any apportionment formula.

"(9) NEW TOLL HIGHWAY DEFINED.—For purposes of this subsection, the term 'new toll highway, bridge, or tunnel' shall mean initial construction of a highway, bridge, or tunnel on a new location at any time before it is open to traffic and shall not include any improvements to a toll highway, bridge, or tunnel after it is open to traffic.".

(b) BIENNIAL CERTIFICATION.—Such section 129 is amended by adding at the end the following new subsection:

"(k) BIENNIAL CERTIFICATION.—

Bridges.

"(1) TO GOVERNOR.—Each operator of toll roads, toll tunnels, toll ferries, and toll bridges (other than an international toll facility or toll facility subject to an agreement under this section or section 119(e) of this title) on a Federal-aid system in a State shall biennially certify to the Governor of the State that such facilities are adequately maintained and that the operator of such toll facility has the ability to fund the replacement or repair of any such facilities that are not adequately maintained without using Federal-aid highway funds. Failure to certify shall preclude Federal funding out of the Highway Trust Fund of any facilities owned or operated by the operator of such toll facility.

Ante, p. 154.

"(2) REPORT TO SECRETARY.—The Governor of each State shall report biennially to the Secretary on the toll facilities subject to paragraph (1) of this subsection with respect to which a certification has been made in accordance with paragraph (1) and those with respect to which such a certification has not been made. If funds from the Highway Trust Fund are used to repair or replace toll facilities with respect to which such a certification has or has not been made, the apportionments to such State for the following fiscal year under section 104 of this title shall be reduced by the amount of Highway Trust Fund moneys expended on such facilities; except that such reduction shall not be made if the State has executed under this section or section 119(e) of this title an agreement with the Secretary covering such toll facilities.".

101 STAT. 159

23 USC 104.

Ante, p. 154.

(c) VOIDING OF CERTAIN AGREEMENTS.—

Maryland.

(1) WEST VIRGINIA AND KANSAS TURNPIKES AND FORT MC HENRY TUNNEL.—Upon the request of the appropriate State highway department of the West Virginia Turnpike (I-77 in the State of West Virginia), the Fort McHenry Tunnel, Maryland, and the Kansas Turnpike, Kansas, and upon such department entering into an agreement with the Secretary that toll revenues from operation of the tolled facility will be used only on such facility for construction and reconstruction costs and for the costs necessary for the proper operation and debt service of such facility (including resurfacing, reconstruction, rehabilitation, and restoration), the Secretary may void any agreement entered into with such department with respect to such facility before the date of the enactment of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code.

New York.

(2) NEWBURGH-BEACON BRIDGE.—Upon the request of the New York State Bridge Authority with respect to the Newburgh-Beacon Bridge and upon such Authority entering into an agreement with the Secretary that toll revenues from operation of such bridge will be used only on facilities subject to the jurisdiction of such Authority for construction and reconstruction costs

and the costs necessary for the proper operation and debt service of such bridge (including resurfacing, reconstruction, rehabilitation, and restoration), the Secretary may void any agreement entered into with such operator with respect to such bridge before the date of the enactment of this subsection under section 129(a), 129(d), or 129(e) of title 23, United States Code.

(d) EXTENSION OF TOLLS TO FINANCE CERTAIN INELIGIBLE CONSTRUCTION EXPENSES.—Notwithstanding section 129(e) of title 23, United States Code, upon request of the State of Florida, the Secretary shall modify the agreement entered into with the highway department of such State under such section to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of a project on the toll road which is subject to such agreement if such feature is a feature which the Secretary does not permit Federal participation with funds apportioned under section 104(b)(5)(A) of such title and which is recommended to be included as a part of the project by the final environmental impact statement with respect to such project. Florida.

SEC. 121. RAILWAY-HIGHWAY CROSSINGS.

(a) IN GENERAL.—Section 130 of title 23, United States Code, is amended by adding at the end the following new subsections:

"(d) SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railway-highway crossings. 101 STAT. 160

"(e) FUNDS FOR PROTECTIVE DEVICES.—At least ½ of the funds authorized for and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated to carry out this section shall be available for obligation in the same manner as funds apportioned under section 104(b)(1) of this title. 23 USC 104.

"(f) APPORTIONMENT.—Twenty-five percent of the funds authorized to be appropriated to carry out this section shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(2) of this title, 25 percent of such funds shall be apportioned to the States in the same manner as sums are apportioned under section 104(b)(6) of this title, and 50 percent of such funds shall be apportioned to the States in the ratio that total railway-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project financed with funds authorized to be appropriated to carry out this section shall be 90 percent of the cost thereof.

"(g) ANNUAL REPORT.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives not later than April 1 of each year, on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.

"(h) USE OF FUNDS FOR MATCHING.—Funds authorized to be appropriated to carry out this section may be used to provide a local

government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.".

(b) CONFORMING AMENDMENT.—Section 203 of the Highway Safety Act of 1973 is repealed. 23 USC 130 note.

SEC. 122. INDIAN EMPLOYMENT AND CONTRACTING.

Section 140 of title 23, United States Code, is amended by adding at the end the following:

"(d) INDIAN EMPLOYMENT AND CONTRACTING.—Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.". 101 STAT. 161

SEC. 123. BRIDGE PROGRAM.

(a) DISCRETIONARY PROGRAM.—Section 144(g) of title 23, United States Code, is amended to read as follows:

"(g) SET ASIDES.—

"(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 106(a)(5) of the Federal-Aid Highway Act of 1987, all but $225,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $225,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $225,000,000 shall, subject to section 149(d) of the Federal-Aid Highway Act of 1987, be at the discretion of the Secretary.

"(2) ELIGIBLE DISCRETIONARY PROJECTS.—Subject to section 149(d) of the Federal-Aid Highway Act of 1987, amounts made available by paragraph (1) for obligation at the discretion of the Secretary may be obligated only—

"(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than $10,000,000, and

"(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) for the fiscal year in which application is made for a grant for such bridge.

"(3) OFF-SYSTEM BRIDGES.—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, and 1991, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary, after consultation with State and local officials, may, with respect to such State, reduce the requirement for expenditure for bridges not on a Federal-aid system when the Secretary determines that such State has inadequate needs to justify such expenditure.".

(b) APPLICABILITY OF THE GENERAL BRIDGE ACT OF 1948.— Section 144(h) of such title is amended—

(1) by striking out "which are not subject to the ebb and flow of the tide, and" and inserting in lieu thereof "(1)"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", and (2) which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.". Fish and fishing vessels.

(c) INVENTORIES AND REPORTS.—Section 144(i) of such title is amended to read as follows:

"(i) INVENTORIES AND REPORTS.—The Secretary shall—

"(1) report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on projects approved under this section;

"(2) annually revise the current inventories authorized by subsections (b) and (c) of this section;

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"(3) report to such committees on such inventories; and

"(4) report to such committees such recommendations as the Secretary may have for improvements of the program authorized by this section.

Such reports shall be submitted to such committees biennially at the same time as the report required by section 307(e) of this title is submitted to Congress.". *Post*, p. 167.

(d) BRIDGES TO REPLACE DESTROYED BRIDGES AND FERRYBOAT SERVICE.—

(1) IN GENERAL.—Section 144 of such title is amended by redesignating subsection (m), and any references thereto, as subsection (p) and by inserting after subsection (l) the following new subsection:

"(m) REPLACEMENT OF DESTROYED BRIDGES AND FERRYBOAT SERVICE.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this section or of any other provision of law, a State may utilize any of the funds provided under this section to construct any bridge which—

"(A) replaces any low water crossing (regardless of the length of such low water crossing),

"(B) replaces any bridge which was destroyed prior to 1965,

"(C) replaces any ferry which was in existence on January 1, 1984, or

"(D) replaces any road bridges rendered obsolete as a result of United States Corps of Engineers flood control or channelization projects and not rebuilt with funds from the United States Corps of Engineers.

"(2) FEDERAL SHARE.—The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of such construction.".

(2) APPLICABILITY.—The amendment made by subsection (a) shall apply to funds apportioned to the States under section 144 of title 23, United States Code, after September 30, 1986. 23 USC 144 note.

(3) CONFORMING MODIFICATION OF APPORTIONMENT FORMULA.—Subsection (e) of such section is amended by inserting after the third sentence the following new sentence: "For purposes of the preceding sentence, the total cost of deficient bridges in a State and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferryboat services.".

(e) OFF-SYSTEM BRIDGE PROGRAM.—Such section 144 is further amended by inserting after subsection (l) the following new subsection:

"(n) OFF-SYSTEM BRIDGE PROGRAM.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid system for the replacement of a bridge or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under this section, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the date of the enactment of this subsection from State and local sources for such project in excess of 20 percent of the cost of construction thereof may be credited to the

101 STAT. 163

non-Federal share of the cost of the projects in such State which are eligible for Federal funds under this section. Such crediting shall be in accordance with such procedures as the Secretary may establish.".

23 USC 144 note.

(f) HISTORIC BRIDGES.—

(1) FINDINGS.—Congress hereby finds and declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering and culture. Historic bridges are important links to our past, serve as safe and vital transportation routes in the present, and can represent significant resources for the future.

23 USC 144.

(2) PROGRAM.—Such section 144 is further amended by inserting after subsection (l) the following new subsection:

"(o) HISTORIC BRIDGE PROGRAM.—

"(1) COORDINATION.—The Secretary shall, in cooperation with the States, implement the programs described in this section in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges.

"(2) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

"(3) ELIGIBILITY.—Reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of historic bridges shall be eligible as reimbursable project costs under this title (including this section) if the load capacity and safety features of the bridge are adequate to serve the intended use for the life of the bridge; except that in the case of a bridge which is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pursuant to this subsection shall not exceed the estimated cost of demolition of such bridge.

"(4) PRESERVATION.—Any State which proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the bridge available for donation to a State, locality, or responsible private entity if such State, locality, or responsible entity enters into an agreement to—

"(A) maintain the bridge and the features that give it its historic significance; and

"(B) assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action.

Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible as reimbursable project costs under this chapter up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this paragraph shall thereafter not be eligible for any other funds authorized pursuant to this title.

"(5) HISTORIC BRIDGE DEFINED.—As used in this subsection, 'historic bridge' means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.".

(3) STUDY.—

23 USC 144 note.

(A) TRANSPORTATION RESEARCH BOARD.—The Secretary shall make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to carry out a study on the effects of the bridge program conducted under section 144 of title 23, United States Code, on the preservation and rehabilitation of historic bridges. The Transportation Research Board shall also develop recommendations of specific standards which shall apply only to the rehabilitation of historic bridges, and shall provide an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

101 STAT. 164

(B) REPORT.—Not later than 1 year after entering into appropriate arrangements under subparagraph (A), the Transportation Research Board shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subparagraph (A) and on the recommendations developed pursuant to subparagraph (A).

(g) STATE MATCHING SHARE.—The State or local governmental matching share for the Calder bridge project being constructed under title 23, United States Code, across the Saint Joe River, 19 miles east of Saint Maries, Idaho, including approaches— Idaho. Gifts and property.

(1) may be credited by the fair market value of land incorporated into the project if the land is in addition to existing public right-of-way and is donated to the State or local government;

(2) may be credited by the fair market value of construction on the project performed by or donated to the State or local government; and

(3) may be credited by the fair market value of preliminary engineering and the preparation of an environmental impact statement performed by or donated to the State or local government;

before, on, or after the date of the enactment of this Act.

(h) DISCRETIONARY BRIDGE CRITERIA.—Section 161 of the Highway Improvement Act of 1982 (23 U.S.C. 144 note) is amended by inserting before the period at the end of the second sentence ", including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 (97 Stat. 341)".

(i) JAMESTOWN BRIDGE.—Federal-aid highway funds may be expended on the Jamestown Bridge project connecting the mainland of Rhode Island with the Island of Jamestown only— Rhode Island.

(1) if the bridge meets all requirements and standards of title 23, United States Code, and any other applicable Federal law; and

(2) if the railing of the bridge—

(A) is designed to provide motorists with a view of the surrounding natural areas comparable to the view provided by the Newport Bridge in Rhode Island; and

(B) has been proven to be crash worthy through full scale testing in accordance with currently accepted test criteria.

SEC. 124. MINIMUM ALLOCATION.

(a) PLANNING AS A FUNDABLE ITEM; TREATMENT OF WITHHELD APPORTIONMENTS.—Section 157 of title 23, United States Code, is amended by redesignating subsection (c), and any references thereto, as subsection (e) and by inserting after subsection (b) the following new subsections:

101 STAT. 165

"(c) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title (relating to transportation planning). 1½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title (relating to transportation planning and research). 23 USC 134.

"(d) TREATMENT OF WITHHELD APPORTIONMENTS.—For purposes of subsection (a), any funds which, but for section 154(f) or 158(a) of this title or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State in a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in such year.".

(b) PROGRAM FOR FISCAL YEARS 1987 AND THEREAFTER.—Section 157(a) of title 23, United States Code, is amended by inserting "(1) FISCAL YEARS 1984–1987.—" before "In the fiscal year" and by adding at the end thereof the following new paragraphs:

Grants.
Taxes.

"(2) FISCAL YEARS 1987 AND 1988.—In fiscal years 1987 and 1988, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for emergency relief in accordance with section 125 of this title, the Interstate construction discretionary program in accordance with section 118(b)(2) of this title, forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

49 USC app. 2304.

"(3) THEREAFTER.—

Grants.
Taxes.

"(A) GENERAL RULE.—In fiscal year 1989 and each fiscal year thereafter, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs (except allocations for forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982) shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.

49 USC app. 2304.

101 STAT. 166

California.

"(B) EXCEPTION FOR FISCAL YEAR 1989.—Notwithstanding subparagraph (A), the amount allocated to the State of California under this paragraph in fiscal year 1989 shall be the amount which would be allocated to such State under this subsection if paragraph (2) were in effect for such fiscal year.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (e) of such section 157, as redesignated by subsection (a) of this section, is amended by striking out "September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986" and inserting in lieu thereof "on or after September 30, 1983".

23 USC 157.

(e) CONFORMING AMENDMENTS.—Subsection (a) of such section 157 is amended—

(1) by indenting and aligning paragraph (1), as designated by subsection (b) of this section, with paragraphs (2) and (3), as added by such subsection (b); and

(2) by inserting "GENERAL RULES.—" after "(a)".

SEC. 125. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking out section 151 (relating to pavement marking demonstration program) and inserting in lieu thereof the following:

23 USC 101 *et seq.*

"§ 151. National bridge inspection program

23 USC 151.

"(a) NATIONAL BRIDGE INSPECTION STANDARDS.—The Secretary, in consultation with the State highway departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges.

"(b) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under subsection (a) shall, at a minimum—

"(1) specify, in detail, the method by which such inspections shall be carried out by the States;

"(2) establish the maximum time period between inspections;

"(3) establish the qualification for those charged with carrying out the inspections;

"(4) require each State to maintain and make available to the Secretary upon request—

"(A) written reports on the results of highway bridge inspections together with notations of any action taken pursuant to the findings of such inspections; and

Reports.

"(B) current inventory data for all highway bridges reflecting the findings of the most recent highway bridge inspections conducted; and

"(5) establish a procedure for national certification of highway bridge inspectors.

"(c) TRAINING PROGRAM FOR BRIDGE INSPECTORS.—The Secretary, in cooperation with the State highway departments, shall establish a program designed to train appropriate governmental employees to carry out highway bridge inspections. Such training program shall be revised from time to time to take into account new and improved techniques.

"(d) AVAILABILITY OF FUNDS.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of section 104(a), section 307(a), and section 144 of this title.". 101 STAT. 167

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 1 of such title is amended by striking out the item relating to section 151 and inserting in lieu thereof the following:

"151. National bridge inspection program.".

(2) Section 116 of such title (relating to highway maintenance) is amended by striking out subsections (d) and (e).

SEC. 126. INCOME FROM AIRSPACE RIGHTS-OF-WAY.

(a) REQUIREMENT.—Chapter 1 of title 23, United States Code, is amended by striking out section 156 (relating to highways crossing Federal projects) and inserting in lieu thereof the following:

23 USC 101 *et seq.*

"§ 156. Income from airspace rights-of-way

23 USC 156.

"States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by striking out the item relating to section 156 and inserting in lieu thereof the following:

"156. Income from airspace rights-of-way.".

SEC. 127. FUNDING FOR BICYCLE PROJECTS.

The second sentence of section 217(b)(1) of title 23, United States Code, is amended by inserting "and sums apportioned or allocated for highway substitute projects in accordance with section 103(e)(4) of this title" after "title".

SEC. 128. STRATEGIC HIGHWAY RESEARCH PROGRAM.

Section 307 of title 23, United States Code (relating to research and planning), is amended by redesignating subsections (d) and (e) (and any references thereto) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) STRATEGIC HIGHWAY RESEARCH PROGRAM.—

Science and technology.

"(1) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall carry out such research, development, and technology transfer activities as the Secretary determines to be strategically important to the national highway transportation system.

Grants.

"(2) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate. Advance payments may be made as necessary to carry out the program under this subsection.

101 STAT. 168

"(3) PERIOD OF AVAILABILITY.—Funds set aside to carry out this subsection shall remain available for the fiscal year in which such funds are made available and the three succeeding fiscal years.

Bridges.

"(4) SET ASIDE.—As soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987 in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, 1990, and 1991, the Secretary shall set aside to carry out this subsection not to exceed ¼ of 1 percent of the funds authorized to be appropriated for such fiscal year for the Federal-aid systems, for highway assistance programs under section 103(e)(4) of this title, for bridge replacement and rehabilitation under section 144 of this title, for elimination of hazards under section 152 of this title, and for elimination of hazards of railway-highway crossings under section 130 of this title. In the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of ¼ of 1 percent) in the year next preceding the fiscal year for which such funds are authorized for such System.

"(5) ANNUAL REPORT.—The Secretary shall transmit a report annually beginning on January 1, 1988, to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives which provides information on the progress and research findings the program conducted under this subsection.

"(6) LIMITATION OF REMEDIES.—

Claims.

"(A) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission arising from activities conducted under or in connection with this subsection. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of such title.

"(B) EXCLUSIVENESS OF REMEDY.—The remedy referred to in subparagraph (A) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

"(C) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the President of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this subsection shall be treated as if they are employees of the Federal Government under section 2671 of title 28, United States Code, for purposes of a civil action or proceeding with respect to a claim described in subparagraph (A); and the civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of such title, or any proceeding under chapter 171 of such title or action against the United States filed pursuant to section 1346(b) of such title, and shall be subject to the limitations and exceptions applicable to such a proceeding or action. Claims.

101 STAT. 169

28 USC 2671 *et seq.*

"(D) REMOVAL.—Upon certification by the Attorney General that a civil action or proceeding with respect to a claim described in subparagraph (A) is being brought in a State court, such civil action or proceeding shall be removed from the State court without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceeding shall be deemed a tort action brought against the United States under the provisions of title 28, United States Code. For purposes of removal, the certification of the Attorney General under this subparagraph shall be conclusive. Claims.

"(E) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in subparagraph (A) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this subsection, and then from sums made available under section 1304 of title 31, United States Code. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28, United States Code. The Secretary may establish a reserve of funds made available to carry out this subsection for making payments under this paragraph.". Claims.

SEC. 129. HIGHWAY PLANNING AND RESEARCH.

Section 307(c)(1) of title 23, United States Code, is amended by inserting after "section 104 of this title" the following: "and for highway projects under section 103(e)(4)".

SEC. 130. WILDFLOWERS.

Section 319 of title 23, United States Code, is amended by inserting "(a) LANDSCAPE AND ROADSIDE DEVELOPMENT.—" before "The Secretary" and by adding at the end thereof the following new subsection:

"(b) PLANTING OF WILDFLOWERS.—

"(1) GENERAL RULE.—The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least ¼ of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

"(2) WAIVER.—The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or Agriculture and agricultural commodities.

planting areas are limited or otherwise used for agricultural purposes.

"(3) GIFTS.—Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.".

101 STAT. 170

Education.

SEC. 131. NATIONAL HIGHWAY INSTITUTE.

Subsections (b) and (c) of section 321 of title 23, United States Code, are amended to read as follows:

"(b) SET ASIDE.—Not to exceed ¼ of 1 percent of all funds apportioned to a State under sections 104(b)(1) and 104(b)(5) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 percent of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) FEDERAL RESPONSIBILITY.—Education and training of Federal, State, and local highway employees authorized by this section shall be provided—

"(1) by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility; or

Grants.
Contracts.

"(2) in any case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, individuals, and the Institute.".

SEC. 132. PROHIBITION AGAINST DISCLOSURE AND ADMISSION AS EVIDENCE OF STATE REPORTS AND SURVEYS.

23 USC 401 *et seq.*

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

23 USC 409.

"§ 409. Admission as evidence of certain reports and surveys

"Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled for the purpose of identifying evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 152 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be admitted into evidence in Federal or State court or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of such title is amended by adding at the end the following:

"409. Admission as evidence of certain reports and surveys.".

SEC. 133. HIGHWAY TECHNICAL AMENDMENTS.

23 USC 104 note.

(a) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—(1) The third sentence of section 108(d) of the Surface Transportation Assistance Act of 1982 is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

23 USC 217.

(2) The second section 126 of such Act (relating to bicycle transportation) is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

23 USC 127.

(3) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

Motor vehicles.
23 USC 146 note.

(4) The first sentence of section 163 of such Act is amended to read as follows: "Notwithstanding any other provision of this Act or any

other law, no funds apportioned or allocated to a State for Federal-aid highways shall be obligated for a project for constructing, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles.". 101 STAT. 171

(5) The second sentence of section 163 of such Act is amended by striking out the comma and inserting in lieu thereof "and acceptance of such certification by the Secretary,". 23 USC 146 note.

(6) Section 165(b) of such Act is amended by inserting "or" after the semicolon at the end of clause (3). 23 USC 101 note.

(7) Section 411(d) of such Act (relating to length limitations) is amended by inserting "and boat" after "automobile". Vessels. 49 USC app. 2311.

(b) TITLE 23.—(1) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) in the item relating to section 127 by striking out "and width", and

(B) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) The fifth undesignated paragraph of section 101(a) of such title is amended by striking out "forest or trail" and inserting in lieu thereof "forest road or trail".

(3) Section 101(a) of such title is amended by striking out the thirteenth undesignated paragraph (relating to the definition of "park road") and inserting in lieu thereof the following:

"The term 'park road' means a public road that is located within, or provides access to, an area in the national park system with title and maintenance responsibilities vested in the United States.".

(4) Section 106(c) of such title is amended by striking out "10 per centum" and inserting in lieu thereof "15 percent" and by striking out the second sentence.

(5) Section 113 of such title is amended by striking out "August 30, 1935" and inserting in lieu thereof "March 3, 1931" and by striking out "267a" and inserting in lieu thereof "276a".

(6) Section 121(d) of such title is amended by striking out "10 per centum" and inserting in lieu thereof "15 percent" and by striking out the third sentence.

(7) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(8) Section 123(a) of such title is amended by striking out "the Federal-aid primary or secondary" and all that follows through "urban areas," and inserting in lieu thereof "any Federal-aid system,".

(9)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors" each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(10) The third sentence of section 138 of such title is amended by inserting before "which requires" the following: "(other than any project for a park road or parkway under section 204 of this title)". 101 STAT. 172

(11) Section 144(e) of such title is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.". *Ante*, p. 162.

(12) Section 152(g) of such title is amended by striking out "the Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(13) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(14) Section 204(e) of such title is amended by striking out "of 1975".

(15) Section 210(g) of such title is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

American Samoa. Northern Mariana Islands.

(16) The first sentence of section 215(a) of such title is amended by striking out "and American Samoa" and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands".

(17) Section 307(f) of such title, as redesignated by section 128 of this Act, is amended by striking out "the Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(18) Section 315 of such title is amended by striking out "204(d), 205(a), 207(b), and 208(c)" and inserting in lieu thereof "204(f) and 205(a)".

American Samoa. Northern Mariana Islands.

(19) Section 401 of such title is amended by striking out "and American Samoa." and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(20) Section 402(c) of such title is amended—

(A) by striking out "For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such" and inserting in lieu thereof "Such";

American Samoa. Northern Mariana Islands.

(B) by striking out "and American Samoa" and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands"; and

(C) by striking out "After December 31, 1969, the" and inserting in lieu thereof "The".

(c) MISCELLANEOUS.—(1) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to " after "grant a permit".

33 USC 1414.

(2) Section 12019(5) of the Commercial Motor Vehicle Safety Act of 1986 is amended—

49 USC app. 2716.

(A) by striking out "and"; and

(B) by inserting "or" before "semitrailer operated".

(3) Section 163(o) of the Federal-Aid Highway Act of 1973 is amended to read as follows:

23 USC 130 note.

"(o) REPORTS.—The Secretary of Transportation shall make biennial reports and a final report to the President, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives with respect to activities pursuant to this section.".

101 STAT. 173

23 USC 141 note.

(4) Section 123(c) of the Federal-Aid Highway Act of 1978 is amended by striking "Congress" and inserting in lieu thereof "the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

(d) PARK ROADS.—Section 303(c) of title 49, United States Code, is amended by inserting before "requiring the use" the following: "(other than any project for a park road or parkway under section 204 of title 23)".

(e) REPEAL OF OUTDATED PROVISIONS.—

(1) TITLE 23.—The following sections of title 23, United States Code, and the items in the analysis for chapters 2 and 3 of such title relating to such sections are repealed: 211 (relating to timber access road hearings), 213 (relating to Rama Road), 219

23 USC 201 *et seq*, 301 *et seq*.

(relating to safer off-system roads), and 322 (relating to demonstration project—rail crossings).

(2) OTHER HIGHWAY LAWS.—Section 119 of the Federal-Aid Highway Amendments of 1974 (relating to bikeway demonstration program) and section 141 of the Federal-Aid Highway Act of 1978 (relating to bicycle program) are repealed. 23 USC 217 note.

23 USC 217 note.

(f) ALTERNATIVE ROUTE.—The authorization of that portion of the Interstate System in Mobile County, Alabama, designated as I-210, connecting I-65 and I-10 in the vicinity of Prichard-Mobile, Alabama, authorized by the Department of Transportation and Related Agencies Appropriation Act, 1981, shall include, as an alternative, authorization to construct an interstate spur commencing at I-65 in the area of Prichard, Alabama, and terminating in the vicinity of downtown Mobile, Alabama. The total mileage of such spur shall not exceed 6.25 miles. In no case shall the eligible cost of construction of the spur exceed the eligible cost of the originally authorized route if it had been constructed. Alabama. 94 Stat. 1681.

SEC. 134. FOREST HIGHWAYS.

Notwithstanding section 202(a) of title 23, United States Code, the Secretary shall, after making the transfer provided by section 204(g) of such title, as soon as practicable after the date of the enactment of this Act in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, and 1990, allocate 66 percent of the remainder of the authorization for forest highways provided for such fiscal year by this Act in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted (1) to eliminate the 0.003243547 percent for the State of Iowa to the State by deed executed May 26, 1964, and (2) to redistribute the percentage formerly apportioned to the State of Iowa to other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for such fiscal year shall be allocated pursuant to section 202(a) of such title. Puerto Rico. Iowa. 23 USC 202 note.

SEC. 135. REGULATION OF TOLLS.

(a) Section 4 of the Act of March 23, 1906 (34 Stat. 85; 33 U.S.C. 494), commonly known as the "Bridge Act of 1906", is amended by striking out the last sentence. 101 STAT. 174

(b) Section 17 of the Act of June 10, 1930 (46 Stat. 552; 33 U.S.C. 498a), is repealed.

(c) The Act entitled "An Act to provide for the regulations of tolls over certain bridges", approved June 27, 1930 (46 Stat. 821; 33 U.S.C. 498b), is repealed.

(d) Sections 1 through 5 of the Act of August 21, 1935 (49 Stat. 670; 33 U.S.C. 503–507) are repealed.

(e) Sections 503 and 506 of the General Bridge Act of 1946 (60 Stat. 847, 848; 33 U.S.C. 526, 529) are repealed.

(f) Section 133 of Public Law 93-87 (87 Stat. 267; 33 U.S.C. 526a) is repealed.

(g) Section 6 of the International Bridge Act of 1972 (86 Stat. 732; 33 U.S.C. 535d) is repealed.

(h) Section 6(g)(4) of the Department of Transportation Act (80 Stat. 937; 49 U.S.C. App. 1655(g)(4)) is repealed.

(i) Tolls for passage or transit over any bridge constructed under the authority of the Act of March 23, 1906 (34 Stat. 84; 33 U.S.C. 491–498), commonly known as the "Bridge Act of 1906", the General Bridge Act of 1946, and the International Bridge Act of 1972 shall be just and reasonable. 33 USC 508. 33 USC 525 note, 535 note.

SEC. 136. IMPLEMENTATION OF CERTAIN ORDERS. 23 USC 104 note.

In implementing any order issued by the President which provides for or requires a percentage reduction in new budget authority, Loans.

unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority, or obligation limitations for the Federal-aid highway, mass transit and highway safety programs and with respect to which the budget account activity as identified in the program and financing schedule contained in the Appendix to the Budget of the United States Government for such programs includes more than one specific highway, mass transit, or highway safety program or project for which budget authority is provided by this Act or an amendment made by this Act, the Secretary shall apply the percentage reduction equally to each such specific program or project.

23 USC 103 note.

SEC. 137. COMBINED ROAD PLAN DEMONSTRATION PROGRAM.

(a) PROGRAM.—The Secretary, in cooperation with up to 5 States, shall conduct a combined road plan demonstration to test the feasibility of approaches for combining, streamlining, and increasing the flexibility in the administration of the Federal-aid secondary program, Federal-aid urban program, and the off-system bridge, urban bridge, and secondary bridge programs. The demonstration shall place as much responsibility as feasible with State and local governments. Notwithstanding any provision of title 23, United States Code, the Secretary may—

(1) grant design exceptions and permit construction without final inspection; and

Urban areas.

(2) permit the use of Federal-aid secondary, Federal-aid urban, and bridge funds for Federal-aid secondary projects, Federal-aid urban projects, and bridge projects on the secondary and urban systems and off-system bridge projects.

(b) REPORT.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives—

101 STAT. 175

(1) an interim report on the program being carried out under this section within 3 years after the date of the enactment of this Act; and

(2) a final report evaluating the effectiveness of the demonstration program and making needed recommendations as soon as practicable after completion of the demonstration under this section.

SEC. 138. PROJECT ELIGIBILITY.

Ante, p. 142.

Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by adding at the end thereof the following: "Notwithstanding the fifth sentence of this subsection, the costs of a project which will upgrade an interstate route and will complete a gap on the Interstate System providing access to an international airport and which was described as the preferred alternative in a final environmental impact statement submitted to the Secretary of Transportation on September 30, 1983, shall be eligible for funds authorized by this subsection as if such costs were included in the 1981 interstate cost estimate and shall be included as eligible costs in any future interstate cost estimate, except that (1) such costs may be further developed in the design and environmental process under normal Federal-aid interstate procedures, and (2) the amount of such costs shall not include the portion of the project between High Street and Causeway Street.".

SEC. 139. ELIGIBILITY OF PARK AND RIDE FACILITIES.

Florida.
Contracts.

(a) ELIGIBILITY FOR INTERSTATE CONSTRUCTION FUNDS.—Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, construction in the vicinity of Fort Lauderdale, Florida, of 4 park and ride facilities and direct access connectors between such facilities and high occupancy vehicle lanes being constructed on a north-south interstate route which connects Miami and Jacksonville, Florida, shall be eligible for funds (not to exceed

$84,000,000) authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and is included as an eligible project in the 1985 interstate cost estimate, and the cost of such construction not to exceed $84,000,000 shall be included in any future interstate cost estimate. The Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such facilities and connectors. *Ante*, p. 142.

(b) SIZE OF FACILITIES.—The size of each park and ride facility constructed pursuant to subsection (a) shall be sufficient to accommodate commuter demand anticipated 20 years after the date on which construction of such facility is approved.

(c) ELIGIBILITY FOR 4R FUNDING.—Notwithstanding any other provision of law, if construction of the facilities and direct access connectors described in subsection (a) costs more than $84,000,000, the State of Florida may use funds apportioned to it under section 104(b)(5)(B) of title 23, United States Code, to complete construction of such facilities and connectors. Florida.

SEC. 140. PLANNING, DESIGN, AND CONSTRUCTION.

Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning, design, and construction from Interstate Route I-40 to the boundary between Arkansas and Missouri of a 2-lane north-south highway which is on the Federal-aid primary system in Arkansas and passes through an urbanized area. Arkansas. Missouri. Urban areas. 101 STAT. 176

SEC. 141. TRANSFER OF INTERSTATE LANES.

(a) ELIGIBILITY OF INTERSTATE LANE PROJECT.—Any project to construct eligible interstate lanes, as defined in subsection (f), shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and shall be included as an eligible project in any future interstate cost estimate unless the costs of such project are made not eligible for such funds by subsection (c). *Ante*, pp. 142, 175.

(b) APPROVAL OF SUBSTITUTE TRANSIT PROJECT.—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of California and the local governments concerned, the Secretary may approve a substitute transit project for construction of a fixed guideway system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes. California.

(c) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute transit project under subsection (b), the costs of construction of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

(d) LIMITATION ON ELIGIBILITY.—By September 30, 1989, any substitute transit project approved under subsection (b) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project. Contracts.

(e) ADMINISTRATIVE PROVISIONS.—

(1) STATUS OF SUBSTITUTE PROJECT.—A substitute transit project approved under subsection (b) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

California.

(2) REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENTS.—Unobligated apportionments for the Interstate System in the State of California shall, on the date of approval of a substitute transit project under subsection (b), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in such State as reflected in the latest cost estimate approved by Congress.

(3) ADMINISTRATION THROUGH FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

California.

(f) ELIGIBLE INTERSTATE LANES DEFINED.—For purposes of this section, the term "eligible interstate lanes" means any high occupancy vehicle lanes and other lanes—

101 STAT. 177

(1) which are to be constructed on any highway in Los Angeles County, California, designated as a part of the National System of Interstate and Defense Highways by section 140 of the Federal-Aid Highway Act of 1978; and

92 Stat. 2711.

(2) the costs of construction of which are included in the interstate cost estimate for 1985.

SEC. 142. SUBSTITUTE TRANSIT PROJECT IN OREGON.

(a) APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of Oregon and the local governments concerned, the Secretary may approve a substitute transit project for construction of a light rail transit system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon approval of any substitute transit project under subsection (a), the costs of construction of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

Ante, pp. 142, 175.

Contracts.

(c) LIMITATION ON ELIGIBILITY.—By September 30, 1989, any substitute transit project approved under subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for such project.

(d) ADMINISTRATIVE PROVISIONS.—

(1) STATUS OF SUBSTITUTE PROJECT.—A substitute transit project approved under subsection (a) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)).

(2) REDUCTION OF UNOBLIGATED INTERSTATE APPORTIONMENT.—Unobligated apportionments for the Interstate System in the State of Oregon shall, on the date of approval of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in such State as reflected in the latest cost estimate approved by Congress.

(3) ADMINISTRATION THROUGH FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

(e) ELIGIBLE INTERSTATE LANES DEFINED.—For purposes of this section, the term "eligible interstate lanes" means any bus lanes which are to be constructed on Interstate Route I-205 in Oregon. 101 STAT. 178

SEC. 143. PAYBACK OF RIGHT-OF-WAY EXPENSES.

New York.

(a) EFFECT OF REPAYMENT.—Upon repayment by the State of New York to the Treasurer of the United States of an amount as determined by the Secretary to be equal to the amount of Federal funds expended to acquire property for the portion of I-478 which was withdrawn from the Interstate System in accordance with the provisions of section 103(e)(4) of title 23, United States Code, less any amount not required to be repaid with respect to such property under section 103(e)(7) of such title, the State of New York shall be absolved of any further responsibility for repayment and will be deemed to have met all of the repayment requirements of section 103(e)(7) of such title.

(b) USE OF REPAID FUNDS.—The amount repaid to the United States under this section shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of funds apportioned to the State of New York in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of such title.

SEC. 144. GEORGIA STATE ROUTE 400.

(a) CREDIT AND USE OF FEDERAL FUNDS.—The amount of all Federal-aid highway funds paid to the State of Georgia on account of the section of State Route 400, a 6-lane, limited access major arterial highway connecting Interstate Route I-285 and Interstate Route I-85 in Fulton County, Georgia, may be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)". Such repayment shall be credited to the unobligated balance of Federal-aid highway funds of the same class last appropriated to the State of Georgia. The amount so credited shall be in addition to all other funds then apportioned or allocated to such State during the fiscal year for which the credit was received and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

(b) APPLICABILITY OF TOLL RESTRICTIONS.—As provided in subsection (a) of this section, upon the repayment of Federal-aid highway funds, and removal from the Federal-aid highway programs, such sections of State Route 400 shall be free of any and all restrictions contained in title 23, United States Code, or in any regulations issued thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

SEC. 145. EXEMPTION FROM RIGHT-OF-WAY RESTRICTION.

Michigan.
Contracts.
Exports.

A facility located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be for the purpose of permitting the Michigan Department of Transportation to enter into a lease agreement allowing the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

101 STAT. 179

SEC. 146. RIGHT-OF-WAY DONATION.

(a) CREDIT FOR DONATED LANDS AND DONATION PROCEDURES.—Section 323 of title 23, United States Code, is amended—

(1) by inserting "(a) DONATIONS OF PROPERTY BEING ACQUIRED.—" before "Nothing"; and

(2) by adding at the end the following new subsections:

"(b) CREDIT FOR DONATED LANDS.—

"(1) GENERAL RULE.—Notwithstanding any provision of this title, the State matching share for a project with respect to which Federal assistance is provided out of the Highway Trust Fund (other than the Mass Transit Account) may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the date of the enactment of this subsection.

"(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of the donated land shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection, the fair market value of donated land shall be established as of the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier.

"(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply to donations made by an agency of a Federal, State, or local government.

"(4) LIMITATION ON AMOUNT OF CREDIT.—The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project to which the donation is applied.

"(c) PROCEDURES.—A gift or donation in accordance with subsection (a) may be made at any time during the development of a project. Any document executed as part of such donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act of 1969 shall clearly indicate that—

42 USC 4321 note.

"(1) all alternatives to a proposed alignment will be studied and considered pursuant to such Act;

"(2) acquisition of property under this section shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

"(3) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings, if required, and completion of the environmental document.".

(b) DONATED LANDS IN CALIFORNIA.—

(1) TREATMENT AS PROJECT COST.—Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate Route I-405 to its interchange with Interstate Route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project.

101 STAT. 180

(2) CREDIT.—The fair market value of lands referred to in paragraph (1) shall be established by the Secretary. If such fair market value exceeds the non-Federal share of the relocation and construction project referred to in paragraph (1), then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California.

(3) TREATMENT OF IRREVOCABLE OFFER.—To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way for the project referred to in paragraph (1) shall be considered as part of the State right-of-way acquisition for purposes of this subsection if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share.

(4) LIMITATION.—In no case shall the amount of Federal-aid reimbursement to the State of California on account of the relocation and construction project referred to in paragraph (1) exceed the actual cost to the State for such project.

Ante, p. 179.

SEC. 147. SHIRLEY HIGHWAY TRAFFIC RESTRICTIONS.

Virginia.
District of Columbia.
Motor vehicles.

(a) EXPRESS LANES.—

(1) RUSH HOUR RESTRICTIONS.—Except in the case of an emergency as determined by the State of Virginia or the District of Columbia, the State of Virginia and the District of Columbia shall prohibit the use of the Shirley Highway express lanes by a vehicle other than a bus, an emergency vehicle, a vehicle carrying 4 or more persons, and a motorcycle—

(A) on northbound lanes, during the hours of 6 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, and

(B) on southbound lanes, during the hours of 3:30 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays.

The State of Virginia and the District of Columbia may not prohibit the use of such lanes during such hours by a bus, an emergency vehicle, or a vehicle carrying 4 or more persons.

(2) USE OF EXPRESS LANES AT OTHER TIMES.—The State of Virginia and the District of Columbia may not prohibit the use of the Shirley Highway express lanes during hours other than the hours described in paragraph (1) by a vehicle which is not also prohibited from using the other lanes of the Shirley Highway.

(b) DEFINITIONS.—For purposes of this section—

(1) EMERGENCY VEHICLE.—The term "emergency vehicle" includes a public utility vehicle on legitimate emergency business.

(2) MOTORCYCLE.—The term "motorcycle" means a motor vehicle designed to travel on not more than 3 wheels in contact with the ground.

(3) SHIRLEY HIGHWAY EXPRESS LANES.—The term "Shirley Highway express lanes" means the high occupancy vehicle lanes on Interstate Route I-395 in the District of Columbia and Virginia and on Interstate Route I-95 from its intersection with Interstate Route I-395 to Woodbridge, Virginia.

(c) ENFORCEMENT.—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of Virginia or to the District of Columbia under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which the State of Virginia or the District of Columbia, as the case may be, is in violation of any provision of this section.

101 STAT. 181

SEC. 148. RAILROAD RELOCATION AND DEMONSTRATION PROGRAM.

(a) FEDERAL SHARE.—Section 163(n) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended by striking out "95 per centum of the cost." and inserting in lieu thereof "the Federal share provided in section 120(a) of title 23, United States Code.".

(b) AUTHORIZATION.—Section 163(p) of such Act is amended by inserting after "September 30, 1986," the following: "and $15,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991,".

SEC. 149. DEMONSTRATION AND PRIORITY PROJECTS.

(a) PROJECT DESCRIPTIONS.—

(1) PASSAIC COUNTY, NEW JERSEY.—The Secretary shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project which completes a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey, and for which most of the right-of-way has been acquired.

23 USC 124 note.

23 USC 105 note.

(2) BRICK TOWNSHIP, NEW JERSEY.—The Secretary shall carry out a highway project to demonstrate methods of improving traffic operations and reducing accidents (A) at a high-volume rotary intersection in Brick Township, New Jersey, and (B) on a route connecting such intersection with another high-volume rotary intersection in Wall Township, New Jersey.

(3) JOHNSTOWN, PENNSYLVANIA.—The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(4) FORT SMITH, ARKANSAS.—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(5) MINNESOTA.—The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits—

(A) of constructing (i) a grade separation between a railroad line and a highway, and (ii) a half diamond interchange, in the vicinity of Moorhead, Minnesota; and

(B) of reconstructing 2 deteriorated segments of a major east-west highway on the Federal-aid primary system in the vicinities of Fosston and Bagley, Minnesota.

(6) LOYSBURG, PENNSYLVANIA.—The Secretary shall carry out a highway project to construct a 2-lane bypass around Loysburg in Bedford County, Pennsylvania, for the purpose of demonstrating methods of accelerating project construction and resolving environmental concerns among Federal and State agencies.

101 STAT. 182

(7) SAN BERNARDINO COUNTY, CALIFORNIA.—The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway access to an airport which is projected to incur a substantial increase in air service.

(8) ALTOONA, PENNSYLVANIA.—The Secretary shall carry out a highway project to close a gap of approximately 12 miles in a multilane limited access road connecting the city of Altoona to the borough of Tyrone in Blair County, Pennsylvania, for the purpose of demonstrating state of the art delineation technology. For comparison purposes, the highway section to be constructed shall connect a highway section constructed with current delineation technology and an older highway section constructed with traditional delineation technology. The project shall demonstrate the latest horizontal and vertical delineation techniques and utilize innovative techniques in highway delineation treatments to improve traffic control and highway safety. All delineation elements shall be designed to provide the optimum life-cycle costs, thereby maximizing the highway safety

benefits and minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(9) LOUISIANA.—

(A) LAFAYETTE.—The Secretary is authorized to carry out a highway project to demonstrate the benefits to traffic flow and transportation of labor and materials by construction of a highway to provide limited continuous access between an interstate route and a highway on the Federal-aid primary system in Lafayette, Louisiana.

(B) SHREVEPORT.—The Secretary is authorized to carry out a highway project which will demonstrate methods of reducing traffic congestion in the central business district of Shreveport, Louisiana, improving access to such district, providing highway continuity, and satisfying national defense requirements by connecting an interstate route with another interstate route which serves as a bypass around such city.

(10) MIAMI, FLORIDA.—The Secretary is authorized to carry out a highway project which will demonstrate the most cost effective method of improving interstate motor vehicle access for passengers and cargo moving to and from the port of Miami, Florida.

(11) ARKANSAS-MISSOURI.—

(A) BELLA VISTA, ARKANSAS.—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from 2 to 4. 101 STAT. 183

(B) CARTHAGE, MISSOURI.—The Secretary is authorized to carry out a highway project on a segment of a north-south highway on the Federal-aid primary system from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri in the vicinity of Noel, Missouri, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment from 2 to 4.

(C) DESIGN FEATURES; TECHNICAL ASSISTANCE.—The projects authorized by subparagraphs (A) and (B) of this paragraph shall also demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of such projects.

(12) SANFORD, FLORIDA.—The Secretary shall carry out a highway project to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinity of Sanford, Florida, and the intersection of Route 46A and an interstate route by contracting with a private business to design and construct such project.

(13) SAN JOSE, CALIFORNIA.—The Secretary is authorized to carry out a demonstration project in the vicinity of San Jose and Santa Clara, California, for the purpose of demonstrating a unified method of reducing traffic congestion on a Federal-aid

urban highway which is the result of the intersection of such highway with 2 other Federal-aid urban highways and a railroad crossing in a ¼-mile segment of such highway.

(14) DISTRICT OF COLUMBIA.—

(A) PROJECT DESCRIPTION.—The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(B) LIMITATION.—No Federal assistance shall be provided to carry out the demonstration project under this paragraph until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

(15) COMPTON, CALIFORNIA.—The Secretary shall carry out a highway project for construction of a grade separation on a route on the Federal-aid urban system in Compton, California, for the purpose of demonstrating methods of relieving traffic congestion and enhancing economic development.

(16) MODESTO, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a highway on the Federal-aid primary system enhances urban redevelopment and the effectiveness of a planned transportation center in Modesto, California.

101 STAT. 184

(17) COLUMBIA, MISSOURI.—The Secretary shall carry out a highway project for construction of 2 additional lanes on a 2-lane 106-mile highway on the Federal-aid primary system which begins in the vicinity of Columbia, Missouri, and ends in the vicinity of Lancaster, Missouri, for the purpose of demonstrating methods of improving highway safety, reducing traffic congestion, and encouraging economic development.

(18) EAST MILTON, MASSACHUSETTS.—The Secretary is authorized to carry out a highway project to demonstrate the advantages of joint development and use of air rights in the construction of a deck over a depressed portion of an interstate route in East Milton, Massachusetts.

(19) FAIRHOPE, ALABAMA.—The Secretary, in cooperation with the State of Alabama, shall carry out a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a highway traffic segment of highway on the Federal-aid primary system necessary for the rapid evacuation of individuals during emergency weather conditions.

(20) WILDER, KENTUCKY.—The Secretary shall carry out a highway project in the vicinity of Wilder in Campbell County, Kentucky, to demonstrate the economic benefits to a port facility, industrial complex, and foreign trade zone and methods of enhancing highway safety by reconstruction of a segment of a highway on the Federal-aid urban system which connects an interstate route with a port facility. Such project shall increase the number of lanes on such highway from 2 to 4 and may include realignment of such highway.

(21) JO DAVIESS, ILLINOIS.—The Secretary shall carry out a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening, a 50-mile segment of an east-west highway on the Federal-aid primary system which carries a high volume of traffic in Jo Daviess and Stephenson Counties, Illinois.

(22) ALLENTOWN, PENNSYLVANIA.—The Secretary is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway

crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.

(23) RIVERSIDE, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods of improving safety on a highway on the Federal-aid primary system in Riverside, California, which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print Numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives.

(24) BUFFALO, NEW YORK.—The Secretary shall carry out a highway project in Buffalo, New York, for the purpose of demonstrating methods of facilitating redevelopment of a waterfront area by construction of a connector off a highway on the Federal-aid primary system. Upon completion of the project, the connector shall be added to the Federal-aid urban system. 101 STAT. 185

(25) CLEVELAND, OHIO.—The Secretary shall carry out a highway project to replace a ramp which provides access to an industrial area of Cleveland, Ohio, for the purpose of demonstrating the relationship between infrastructure improvement and economic vitality.

(26) PATTON ISLAND, ALABAMA.—The Secretary shall carry out a highway project to construct a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island, Alabama, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.

(27) WOOD COUNTY, OHIO.—The Secretary shall carry out a highway project to construct an interchange connecting Interstate Route I-75 and a 4-lane, east-west highway in Perrysburg Township in Wood County, Ohio, for the purpose of demonstrating methods of reducing traffic congestion, improving traffic flow, and enhancing economic development.

(28) CHICAGO, ILLINOIS.—The Secretary shall carry out the following highway projects in Chicago, Illinois:

(A) A highway project to rehabilitate a drawbridge over the north branch of the Chicago River and realign an adjacent intersection which will demonstrate the use of the latest innovative bridge repair techniques on a bascule bridge.

(B) A highway project to remove and replace an existing bridge on Lake Shore Drive in the Jackson Park Historic Landscape District and the Midway Plaissance with a new bridge in the same location and to widen the approach road to such bridge which will demonstrate the historic recreation of a national register bridge and replacement of a deteriorated bridge.

(C) A highway project between Chicago Avenue and Claybourn Avenue to disinvest a bridge over Goose Island which will demonstrate methods of reducing municipal and Federal burdens for rehabilitation and maintenance of a surplus highway facility.

(29) WAYNE COUNTY, MICHIGAN.—The Secretary shall carry out two road improvement projects in Wayne County, Michigan, to demonstrate the benefits of enhancing safety and improving economic vitality of a depressed area.

(30) COOK COUNTY, ILLINOIS.—

(A) CHICAGO.—The Secretary shall carry out a highway project which demonstrates methods of utilizing a low cost alternative to reconstruction of a 1-mile segment of an east-west road between Nagle and Oak Park Avenues, Chicago, Illinois, which is deficient due to soil conditions.

(B) SOUTHWEST CHICAGO.—The Secretary shall carry out a highway project to construct three parking facilities adjacent to the Rock Island commuter rail lines in Southwest Chicago, Illinois, which will demonstrate the effectiveness

of construction of parking facilities in relieving on-street parking congestion and unsafe parking practices.

(C) OAK LAWN.—The Secretary shall carry out a highway project in Oak Lawn, Illinois, which demonstrates methods of improving highway safety by widening and resurfacing a 4-lane major arterial with lane widths which are less than minimum State and Federal standards.

101 STAT. 186

(D) CALUMET PARK.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and access to a segment of the Interstate System by reconstruction of a congested major arterial in Calumet Park and Blue Island, Illinois.

(E) CUMBERLAND STATION.—The Secretary shall carry out a highway project to construct the first level of a 2 level addition to an existing park and ride facility in the vicinity of Cumberland Station on the O'Hare Rapid Transit Line, Chicago, Illinois, which will demonstrate methods of reducing commuter traffic and traffic congestion and increasing utilization of available capacity on a rapid transit line.

(F) ELEVATED ROAD.—The Secretary shall carry out a highway project to demonstrate the benefits of utilizing precast, prefabricated concrete structural segments in the reconstruction of an elevated road on a major artery in the southwestern portion of Chicago, Illinois, in order to minimize traffic disruption during the reconstruction.

(G) PARKING FACILITIES.—The Secretary shall carry out a demonstration project for the construction of two parking lots at sites (i) where future stations are to be located on the Southwest Rapid Transit Line in Chicago, Illinois, and (ii) to which buses now provide mass transit service. Such project shall be carried out before the beginning of service on such rapid transit line in order to demonstrate methods of facilitating the transfer of passengers between different modes of transportation and of establishing ridership before the opening of a rapid transit line.

(31) KANSAS CITY, MISSOURI.—The Secretary shall carry out a highway project on a north-south route on the Federal-aid primary system in Kansas City, Missouri, to demonstrate methods by which construction of the first and southern-most phase of a 5-phase highway project will facilitate construction of the full 5-phase project. Construction of the 5-phase project—

(A) will connect the northern terminus of another route on the Federal-aid primary system and an east-west interstate route,

(B) will demonstrate the interrelationship between construction of a major urban transportation artery and economic development initiatives in facilitating reinvestment in an urban area experiencing economic decay, and

(C) will demonstrate methods of reducing traffic congestion through construction of a roadway that is compatible with adjacent residential neighborhoods and commercial areas.

(32) MOUNT VERNON, KENTUCKY.—The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate Route I-75 in the vicinity of Mount Vernon, Kentucky, with Kentucky State Route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.

(33) PINE CITY, MINNESOTA.—The Secretary is authorized to carry out a highway project in Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow by construction of an

interchange between a highway on the Interstate System and a county State-aid highway. 101 STAT. 187

(34) PASO ROBLES, CALIFORNIA.—The Secretary is authorized to carry out a highway project in the city of Paso Robles, California, to construct a 2-lane, east-west bridge which will span the Salinas River, a highway, and a railroad line and will be located south of the existing bridges spanning such river in such city, for the purposes of demonstrating methods of improving highway safety and traffic flow and enhancing economic development.

(35) SUFFOLK COUNTY, NEW YORK.—The Secretary is authorized to carry out a highway project from Wheeler Road to Veterans Memorial Highway in the town of Islip, Suffolk County, New York, for the purpose of demonstrating construction techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.

(36) CONNECTICUT.—

(A) SOUTHINGTON.—The Secretary shall carry out a highway project to demonstrate the latest construction techniques in reconstructing a north-south segment of highway on the Federal-aid urban system in the vicinity of Southington, Connecticut.

(B) KENT CENTER.—The Secretary shall carry out a highway project to change horizontal and vertical alignment of a north-south highway on the Federal-aid primary system south of Kent Center, Connecticut, to demonstrate methods of solving safety and flooding problems.

(37) DOVER TOWNSHIP, NEW JERSEY.—The Secretary is authorized to carry out a highway project to construct a bridge across the Toms River in the township of Dover, New Jersey, for the purpose of demonstrating methods of reducing traffic congestion on an existing bridge and facilitating the redevelopment of the central business district of such township.

(38) LOS ANGELES COUNTY, CALIFORNIA.—The Secretary is authorized to carry out a highway project in Los Angeles County, California, for the purpose of demonstrating methods of improving vehicular circulation related to the intermodal transportation of port-related traffic and alleviating congestion caused by increased port activities.

(39) GREATER PITTSBURGH INTERNATIONAL AIRPORT.—The Secretary shall carry out in the vicinity of the Greater Pittsburgh International Airport a highway project for construction of a highway which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print Numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives to demonstrate methods of improving economic development and airport terminal placement.

(40) STEUBEN COUNTY, NEW YORK.—The Secretary shall carry out a highway project in Steuben County, New York, for the purpose of demonstrating the extent to which the economy of an industrialized high unemployment area can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves such area.

(41) SONOMA AND MARIN COUNTIES, CALIFORNIA.—

(A) SANTA ROSA.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved by reconstruction of a north-south arterial which (i) connects Santa Rosa, California, and Petaluma, California, (ii) is parallel to a major north-south segment of the Federal-aid primary system, and (iii) serves as an alternative for traffic between such cities. 101 STAT. 188

(B) HEALDSBURG.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved on the major north-

south segment of the Federal-aid primary system described in subparagraph (A) by construction of high occupancy vehicle lanes along a right-of-way which is parallel to such segment and connects San Rafael, California, and Healdsburg, California.

(42) VOYAGEURS NATIONAL PARK, MINNESOTA.—The Secretary shall carry out a highway project which demonstrates methods of enhancing use of a national park and reducing traffic congestion by reconstruction of an access road to Voyageurs National Park, Minnesota.

(43) SAVANNAH, GEORGIA.—The Secretary, in cooperation with the State of Georgia, shall carry out a highway project for replacing an existing functionally obsolete bridge across the Savannah River in Savannah, Georgia, with a modern, high-level structure for the purpose of demonstrating methods of improving safety and the free flow of both vehicular and waterborne traffic including traffic related to national defense.

(44) NEW SEWICKLY, PENNSYLVANIA.—The Secretary shall carry out a highway project to construct a 2-lane highway between the township of New Sewickly, Pennsylvania, and the borough of Conway, Pennsylvania, for the purpose of demonstrating methods of accommodating increasing truck traffic and improving highway safety.

(45) CROYLE TOWNSHIP, PENNSYLVANIA.—The Secretary shall carry out a highway project to upgrade a 1.3-mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township, Pennsylvania, for the purpose of demonstrating methods of improving public access to a flood memorial.

(46) LAWRENCE, MASSACHUSETTS.—The Secretary shall carry out in Lawrence, Massachusetts, a highway project to demonstrate methods of enhancing the benefits of an economic rehabilitation project under construction by construction of a service road which provides access between Massachusetts Avenue and Merrimack Street substantially along an alignment located between the Shawsheen River and an interstate route.

(47) LOUISIANA.—

(A) The Secretary shall carry out a highway project on the west bank of the Mississippi River in the vicinity of Port Allen, Louisiana, for the purpose of demonstrating methods by which—

(i) the inclusion of a diamond interchange on the Interstate System, including ingress and egress ramps with an overpass, located between the existing Mississippi River Bridge access and an existing rural interchange; and

(ii) the connection and improvement of access to the Interstate System by means of approaches from a 2-lane highway and a parish road to such diamond interchange;

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will eliminate safety hazards and reduce heavy truck traffic congestion from the Mississippi River Bridge exit ramp on the Interstate System and the City of Port Allen and the Texas-Pacific Railroad crossing and improve conditions for access to the Port of Greater Baton Rouge and the Intracoastal Canal.

(B) The Secretary shall carry out a highway project in the vicinity of Baton Rouge, Louisiana, for the purpose of demonstrating the benefits of reducing traffic congestion in the immediate vicinity of a split-diamond interchange which connects an east-west highway on the Interstate System, 2 4-lane highways not on such system, and a 2-lane highway not on such system by providing—

(i) a direct exit lane from the westbound lanes of the highway on such system to one of such 4-lane highways;

(ii) a direct access ramp and acceleration lane from such 4-lane highway to the eastbound lanes of the highway on such system; and

(iii) a direct exit lane from the eastbound lanes of the highway on such system to the other of such 4-lane highways.

(C) The Secretary shall carry out a highway project in the vicinity of northeast Baton Rouge, Louisiana, for the purpose of demonstrating the efficacy of reducing traffic congestion and improving traffic flow in the immediate vicinity of a highway on the Interstate System to connect such highway to a metropolitan airport terminal access road by construction of a direct access off-ramp link.

(48) MINDEN, LOUISIANA.—The Secretary shall carry out a highway project for the purpose of demonstrating methods of enhancing economic development by construction of a frontage road which provides Minden, Louisiana, alternative access to a highway immediately connecting to a highway on the Interstate System.

(49) ANAHEIM, CALIFORNIA.—The Secretary shall carry out a project for research, development, and implementation of a computerized transportation management system to assist the city of Anaheim, California, and adjoining jurisdictions in managing highway traffic congestion caused in part by an interstate route passing through an area of concentrated population and commercial development for the purpose of demonstrating the usefulness of such a system in reducing traffic congestion.

(50) PINE BLUFF, ARKANSAS.—The Secretary shall carry out a highway bridge project at Lock and Dam 4 near Pine Bluff, Arkansas.

(51) CLARKSVILLE, TENNESSEE.—The Secretary shall carry out a highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the city of Clarksville, Tennessee.

(52) CLARINDA, IOWA.—The Secretary shall carry out a highway project to reconstruct and rehabilitate a highway between Shenandoah and Clarinda, Iowa, for the purpose of demonstrating methods by which improved highway transportation in an economically depressed rural area will increase economic activity in such area. 101 STAT. 190

(53) SAN DIEGO COUNTY, CALIFORNIA.—The Secretary shall carry out a highway project to expand a highway which connects an interstate route in the vicinity of Oceanside, California, with another interstate route in the vicinity of Escondido, California, for the purpose of demonstrating methods of reducing traffic congestion and accidents.

(54) SAINT CHARLES COUNTY, MISSOURI.—The Secretary shall carry out a highway project to construct a bypass highway to connect an east-west interstate route in Saint Charles County, Missouri, with the interstate beltway around Saint Louis, Missouri, for the purpose of demonstrating methods of alleviating traffic congestion, especially commuter traffic congestion.

(55) JONESBORO, ARKANSAS.—The Secretary shall carry out a highway project for construction of 4 grade separations on a 4-lane bypass route in the vicinity of Jonesboro, Arkansas, for the purpose of demonstrating methods of improving highway safety.

(56) ILLINOIS.—

(A) MOUNT VERNON.—The Secretary is authorized to carry out a highway project to reconstruct a segment of approximately 1.4 miles of a State route connecting to an interstate route in the vicinity of Mount Vernon, Illinois, for the purpose of demonstrating methods of improving highway safety.

(B) EVANSVILLE.—The Secretary is authorized to carry out a highway project to upgrade a principal route through the village of Evansville, Illinois, for the purpose of demonstrating methods of improving traffic flow.

(C) UNION COUNTY.—The Secretary is authorized to carry out a highway project to improve a road leading to a landmark in the vicinity of the city of Alto Pass, Union County, Illinois, for the purpose of demonstrating methods of improving access to such a landmark and of enhancing tourism.

(57) CONCORD, CALIFORNIA.—The Secretary shall carry out a highway project between Concord, California, and West Pittsburg, California, for the purpose of demonstrating methods of improving highway safety and traffic flow by lowering the grade of, realigning, and widening an existing highway on the Federal-aid primary system.

(58) GEORGIA.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic accidents by reconstruction of a 3.8-mile segment of highway between Interstate Route I-285 and the fork of Georgia State Route 141 as a 6-lane controlled access freeway with one-way frontage roads in each direction.

(59) PIKE COUNTY, KENTUCKY.—The Secretary shall carry out a highway project to reconstruct a highway on the Federal-aid primary system between Open Fork Road and Road Fork of Big Creek Road in Pike County, Kentucky, for the purpose of demonstrating methods of improving highway safety in a mountainous area.

(60) MADISON COUNTY, ILLINOIS.—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of reconstructing a segment of road in Madison County, Illinois, which serves a high-growth industrial area.

101 STAT. 191

(61) ERWIN, TENNESSEE.—The Secretary shall carry out a highway project to extend, approximately 15 miles, a highway on the Appalachian development highway system between River View in Erwin, Tennessee, and Sam's Gap on the North Carolina-Tennessee border for the purpose of demonstrating methods of improving transportation in a mountainous area.

(62) NEW RIVER, WEST VIRGINIA.—The Secretary is authorized to carry out a demonstration project to construct a parkway connecting to an interstate route, in accordance with the recommendations of the New River Parkway Authority, in the vicinity of the New River, West Virginia, for the purpose of demonstrating benefits to recreation, tourism, and industrial, economic, and community development.

(63) KITTANNING-BROOKVILLE, PENNSYLVANIA.—The Secretary is authorized to carry out a project for reconstruction of approximately 30 miles of a 2-lane road on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania, for the purpose of demonstrating cost-effective methods of improving rural highways to accommodate wider and longer trucks.

(64) AURORA-HOYT LAKES, MINNESOTA.—The Secretary is authorized to carry out a project for construction of a highway connecting Aurora-Hoyt Lakes and Silver Bay, Minnesota, for the purpose of demonstrating methods of reducing traffic congestion in and around a recreational area.

(65) KANAWHA COUNTY, WEST VIRGINIA.—The Secretary shall carry out a highway project which demonstrates methods of improving traffic flow in a rural area by reconstruction of the Chelyan Bridge in Kanawha County, West Virginia.

(66) ROANOKE SOUND, NORTH CAROLINA.—The Secretary shall carry out a highway project which demonstrates methods of improving tourism, commercial enterprise, and water and high-

way transportation by construction of a bridge on an east-west Federal-aid primary route which connects Manteo and Whalebone, North Carolina, and traverses Roanoke Sound.

(67) LINCOLN, ILLINOIS.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic congestion by construction of a controlled access freeway which connects Interstate Route I-55 in the vicinity of Lincoln, Illinois, and Interstate Route I-74 in the vicinity of Morton, Illinois.

(68) SPARKS, NEVADA.—The Secretary shall carry out a highway project which demonstrates methods of improving economic development and diversification, and eliminating traffic and highway safety hazards by construction in the city of Sparks, Nevada, of an interchange which connects Interstate Route I-80 and Sparks Boulevard.

(69) BURBANK-GLENDALE-PASADENA AIRPORT, CALIFORNIA.—The Secretary shall carry out a highway project which demonstrates methods of coordinating construction of ground access to an airport and construction of terminal and parking facilities at such airport. The Secretary shall carry out such project at the Burbank-Glendale-Pasadena Airport, California, by making a grant for construction of such ground access to the airport authority for such airport. 101 STAT. 192

(70) EL SEGUNDO, CALIFORNIA.—The Secretary shall carry out a highway project to increase the capacity of a tunnel in the vicinity of an airport serving El Segundo, California, which will demonstrate methods of mitigating increased traffic congestion which is projected to result from completion of a segment of the Interstate System.

(71) ALAMEDA ISLAND, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods of improving access to, and alleviating congestion on, a north-south route designated as part of the Interstate System under section 139 of title 23, United States Code, and its access roads, including access roads from Oakland International Airport and Alameda Island, California, to such interstate route.

(72) DOUGLAS COUNTY, KANSAS.—The Secretary shall carry out a highway project in Douglas County, Kansas, to demonstrate methods of reducing traffic congestion and facilitating the usage by motorists on the Interstate System of recreational facilities by construction of a north-south limited access trafficway of approximately 4 miles in length which will connect an east-west interstate route to a reservoir and a university research park.

(73) CHADVILLE, PENNSYLVANIA.—The Secretary shall carry out a highway project to relocate and reconstruct to 4 lanes a 3.5-mile north-south segment of the Federal-aid primary system from the vicinity of Uniontown Bypass at Chadville, Pennsylvania, to Pennsylvania Legislative Route 26082 in the vicinity of Fairchance, Pennsylvania, which will demonstrate methods of enhancing the development of a major industrial site.

(74) CHAMBERSBURG, PENNSYLVANIA.—The Secretary shall carry out a highway project which demonstrates how construction of an interchange on a north-south interstate route will provide access to Chambersburg, Pennsylvania, and relieve traffic congestion on an existing interchange on such interstate route.

(75) BEAUMONT, TEXAS.—The Secretary shall carry out a highway project which demonstrates how construction of an overpass over an interstate route in the vicinity of the city of Beaumont, Texas, will relieve traffic congestion on such interstate route and provide direct access between the central business district of such city and another part of such city.

(76) SAINT LOUIS COUNTY, MINNESOTA.—The Secretary shall carry out a highway project for the construction of an access road from County Road 413 in Saint Louis County, Minnesota,

to a recreational complex on the Bois Forte Chippewa Reservation (Vermilion Sector) to demonstrate methods of providing jobs and enhancing economic development in a severely and chronically depressed area.

(77) GLOUCESTER COUNTY, VIRGINIA.—The Secretary, in consultation with the Governor of Virginia, the Secretary of Defense, and the Secretary of the Interior, shall carry out site selection and environmental studies and design and engineering for replacement or expansion of a bridge connecting Gloucester County with York County and the cities of Newport News and Hampton, Virginia, for the purpose of demonstrating methods of facilitating the resolution of Federal intra-governmental conflicts.

101 STAT. 193

(78) BRAZORIA COUNTY, TEXAS.—The Secretary shall carry out a highway project in Brazoria County, Texas, to demonstrate how the extension of a State highway to connect with another State highway can relieve traffic congestion in Fort Bend County, Texas.

(79) HAMMOND, INDIANA.—The Secretary shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purpose of eliminating railroad-highway grade crossings. If the city of Hammond, Indiana, elects to carry out all or any portion of the demonstration project authorized by this paragraph before the funds authorized to be appropriated to carry out this paragraph are made available, the Secretary shall reimburse with such funds the city for the costs of carrying out such project or portion.

(80) ERIE COUNTY, NEW YORK.—The Secretary is authorized to carry out a highway project in Erie County, New York, to demonstrate methods of enhancing safety and reducing traffic congestion and delays at the terminus of an interstate route by relocating the terminus of such route.

(81) TAMPA, FLORIDA.—The Secretary is authorized to carry out the remaining design work for a highway project for construction of a grade separation on a route on the Federal-aid primary system in the vicinity of Tampa, Florida, for the purpose of demonstrating methods of improving motor vehicle access between rapidly growing urban areas as well as relieving motor vehicle congestion resulting from the transportation of freight to and from areas for the transshipment of waterborne commerce.

(82) POST FALLS, IDAHO.—The Secretary is authorized to carry out a project to reconstruct Seltice Way (former United States Route 10) to a multilane facility through the City of Post Falls, Idaho, beginning at Pleasant View Road and ending at Huetter Road.

(83) BOISE, IDAHO.—The Secretary is authorized to carry out a project to construct a multilane highway of 6.5 miles, in Boise, Idaho, from the Curtis Road interchange to Broadway Avenue, including interchanges, intersections, bridges, elevated structures, and the Orchard Street connection to Chinden Boulevard.

(84) LAFAYETTE-WEST LAFAYETTE, INDIANA.—The Secretary is authorized to carry out—

(A) acquisition of right-of-way, grading, and construction of ramps and a double span bridge to carry State Road 26 over the Wabash River connecting the cities of Lafayette and West Lafayette, Indiana;

(B) acquisition of right-of-way, grading, construction of a 2.6-mile single track rail corridor, construction of a second rail span at the Wabash Avenue Overpass and transfer of Amtrak passenger services to a relocated depot facility at Second and Main Streets; and

(C) acquisition of right-of-way, grading, construction of ramps and two rail corridor overpasses and associated

replacement street work to reconstruct the vehicular approach to the east end of Harrison Bridge which carries United States Route 231 over the Wabash River connecting the cities of Lafayette and West Lafayette.

(85) DUBUQUE-DEWITT, IOWA.—The Secretary is authorized to carry out a project which replaces the route from the intersection of United States Route 61 and Grandview Avenue in Dubuque, Iowa, extending northerly to a point near East 14th Street, and to improve the service level of the remaining connection from Interstate Route I-80 to Dubuque extending from United States Route 30 at Dewitt to Grandview Avenue in Dubuque. 101 STAT. 194

(86) OLATHE, KANSAS.—The Secretary is authorized to carry out a project to construct an interchange at 119th Street and Interstate Route I-35 in the City of Olathe, Kansas.

(87) WEST CALCASIEU PARISH, LOUISIANA.—The Secretary is authorized to carry out a project to provide for an access road which parallels Interstate Route I-10 at Sulphur, Louisiana, in West Calcasieu Parish, in order to provide access to and from the Interstate System and access from Louisiana Highway 108 to Louisiana Highway 3077.

(88) SOUTHEAST BATON ROUGE, LOUISIANA.—The Secretary is authorized to carry out a project in southeast Baton Rouge, Louisiana, to widen off- and on-ramps of an interstate route interchange; to widen and improve approaches on both sides of the Interstate System of a 2-lane highway, including access ramps and turnouts; to construct a schoolbus loading area adjacent thereto; and to coordinate a partial relocation of a 2-lane highway not on such system.

(89) EAST LAFAYETTE, LOUISIANA.—The Secretary is authorized to carry out a project to construct an access road to Interstate Route I-10 from Louisiana Highway 354 in East Lafayette, Louisiana.

(90) EAST LAFAYETTE, LOUISIANA.—The Secretary is authorized to carry out a project to construct a full-diamond interchange to connect Louisiana Avenue to Interstate Route I-10 in East Lafayette, Louisiana.

(91) BRUNSWICK, MAINE.—The Secretary is authorized to carry out a project to construct the Brunswick-Topsham Bypass in Maine. The bypass will be a new limited access highway which will run from the vicinity of the interchange of Interstate Route I-95 and State Route 196 in Topsham, cross the Androscoggin River, and connect with United States Route 1 in Brunswick, Maine.

(92) UNITED STATES ROUTE 48, MARYLAND.—The Secretary is authorized to carry out a project on United States Route 48 in Washington County, Maryland, to construct an eastbound ramp to United States Route 40 and a westbound access road from Mountain Road.

(93) MARYLAND ROUTE 162.—The Secretary is authorized to carry out a project to realign an intersection to tie Maryland Route 162 directly into Poplar Avenue. Such project includes—

(A) construction of additional lanes at the intersection to allow northbound Maryland Route 162 to westbound Poplar Avenue to become a through movement;

(B) widening 2 miles of Maryland Route 162 from Poplar Avenue to Maryland Route 176 to 4 lanes; and

(C) widening ½-mile of Poplar Avenue from Maryland Route 170 to Maryland Route 162 to 4 lanes.

(94) ROUTE 4, MARYLAND.—The Secretary is authorized to carry out a project to replace a bridge carrying Maryland Route 4 over the Patuxent River.

101 STAT. 196

(95) ROUTE 3, MARYLAND.—The Secretary is authorized to carry out a project to construct an interchange to connect Maryland Route 3 and Belair Drive.

(96) ROUTE 197, MARYLAND.—The Secretary is authorized to carry out a project to construct a 4-lane divided highway to bypass Bowie, Maryland, from Rustic Hill Drive to south of the Amtrak line in Prince Georges County.

(97) MARYLAND ROUTE 115.—The Secretary is authorized to carry out a project to relocate Maryland Route 115 from Montgomery Village Avenue to Shady Grove Road, Montgomery County. This project involves the construction of a 4-lane divided highway.

(98) MARYLAND ROUTE 213.—The Secretary is authorized to carry out a project to rehabilitate the Chester River Bridge on Maryland Route 213 at Chestertown, Maryland.

(99) MARYLAND ROUTE 838.—The Secretary is authorized to carry out a project to replace a bridge connecting Maryland Route 838 to the Wye Island natural resources management area.

(100) BELCHERTOWN, MASSACHUSETTS.—The Secretary is authorized to carry out a project to construct a road of approximately 3,600 feet between Liberty Street and Massachusetts Route 21 in Belchertown, Massachusetts.

(101) MICHIGAN.—The Secretary is authorized to carry out—

(A) a project for construction of the United States Route 31 freeway in Mason County, Michigan, from the south county line northward 11.1 miles to United States Route 10;

(B) improvements, including road widening and resurfacing to existing United States Routes 10 and 31 from the United States Route 10-United States Route 31 interchange east to Scotville, Michigan; and

(C) improvements on United States Route 31 from Scotville north seventeen miles to Preuss Road in Manistee County, Michigan.

(102) BLOOMINGTON, MINNESOTA.—The Secretary is authorized to carry out a project for the design and site location for the replacement of the Bloomington Ferry Bridge, located in Hennepin and Scott Counties, Minnesota.

(103) NEW AUGUSTA, MISSISSIPPI.—The Secretary is authorized to carry out a project to widen 14.7 miles of United States Highway 98 from 1.5 miles east of United States Highway 49 in Forrest County, east to State Route 29 in New Augusta, Mississippi.

(104) HIGHWAY 30, NEBRASKA.—The Secretary is authorized to carry out a project to replace the bridge that carries Highway 30 over the Missouri River between Blair, Nebraska and Missouri Valley, Iowa.

(105) LAS VEGAS, NEVADA.—The Secretary is authorized to carry out a project to construct an interchange at Sahara Avenue and Interstate Route I-15, in the city of Las Vegas, Nevada.

(106) HENDERSON, NEVADA.—The Secretary is authorized to carry out a project to improve the Boulder Highway in Henderson, Nevada The project involves 6.36 miles along United States Route 93/95 from the intersection of Sunset Road to the intersection of Horizon Drive.

101 STAT. 196

(107) LOS ALAMOS-SANTA FE, NEW MEXICO.—The Secretary is authorized to carry out a project for a new route from Los Alamos, New Mexico to Santa Fe, New Mexico.

(108) LONG ISLAND EXPRESSWAY, NEW YORK.—The Secretary is authorized to carry out a study to examine the feasibility of adding a fourth lane in each direction on Interstate Route I-495 in New York.

(109) NASSAU EXPRESSWAY, NEW YORK.—The Secretary is authorized to carry out a project to extend the Nassau Expressway from Burnside Avenue to Broadway in New York.

(110) WESTCHESTER PARKWAY, NEW YORK.—The Secretary is authorized to carry out a project on the Westchester Parkway, New York, to widen the segment between the Hawthorne Interchange and Washburn Road, reconstruct the southbound lanes in the vicinity of Pleasantville Road, and reconstruct the Pleasantville Road Interchange.

(111) NORTH DAKOTA.—The Secretary is authorized to carry out the following projects on access highways to public recreation areas on certain lakes and State parks in North Dakota in order to accommodate present and projected traffic density:

(A) MORTON COUNTY.—The Secretary is authorized to carry out a project for bridge replacement and access road to Sweetbriar and Crown Butte Lakes, North Dakota.

(B) MERCER COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Mercer County, County FAS Route 2927 from 4 miles north of Hazen, North Dakota north 8 miles to Hazen Bay, Lake Sakakawea.

(C) RANSOM COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Ransom County, County FAS Route 3705 from State Highway 46, south 17 miles to State Highway 27 and a 1-mile spur to Fort Ransom State Park.

(D) BENSON AND RAMSEY COUNTIES.—The Secretary is authorized to carry out a project to construct an access road in Benson and Ramsey Counties FAS Route 0322 from United States Route 281 at Minnewaukan, east to Tri-County Park, north to State Highway 19.

(E) MOUNTRAIL COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Mountrail County from Parshall west 10 miles to Parshall Bay on Lake Sakakawea.

(F) EMMONS COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Emmons County FAS Route 1503 from Beaver Bay 13 miles west of Linton, south 23 miles to the South Dakota State line.

(G) MCKENZIE COUNTY.—The Secretary is authorized to carry out a project to construct an access road in McKenzie County from Charleson south and east 8 miles to Lake Sakakawea.

(H) GRAND FORKS COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Grand Forks County from 1 mile east of Larimore, north 5 miles to Larimore Dam recreation area.

(I) GRAND FOKKS COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Grand Forks County from County Road 19, 4 miles south of Fordville, east and south 9 miles to Fordville Dam recreation area. 101 STAT. 197

(J) STEELE COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Steele County State Highway 200, 9 miles east of Finley, north 9 miles to the Golden Lake recreation area.

(K) MCKENZIE COUNTY.—The Secretary is authorized to carry out a project to construct an access road in McKenzie County from United States Route 85 south of Williston, east 4.2 miles to several bays on Lake Sakakawea.

(L) BOTTINEAU AND RENVILLE COUNTIES.—The Secretary is authorized to carry out a project to construct an access road in Bottineau and Renville Counties, FAS Routes 3828 and 0526 from Lake Darling 1 mile west of Grano, east 10 miles.

(M) MOUNTRAIL COUNTY.—The Secretary is authorized to carry out a project to construct an access road in Mountrail County, FAS Route 3123 from State Highway 23, 6 miles east of Newtown, south 2.5 miles to Van Hook Bay on Lake Sakakawea.

(112) GLADSTONE, NORTH DAKOTA.—The Secretary is authorized to carry out a project to improve access to a regional grain elevator, FAS Routes 2117 and 4531 from State Highway 21 at Regent, north 34 miles to Gladstone and Interstate Route I-94, Gladstone, North Dakota.

(113) EUGENE, OREGON.—The Secretary is authorized to carry out a preliminary engineering study to plan and design alternatives to the Ferry Street Bridge in Eugene, Oregon.

(114) PROVIDENCE, RHODE ISLAND.—The Secretary is authorized to carry out a project for United States Route 1 in Providence, Rhode Island, to make improvements on Allens Avenue and Eddy Street to add a center turning lane, widen the road, provide for shoulders, and improve safety on approximately 3 miles of road.

(115) WEST WARWICK, RHODE ISLAND.—The Secretary is authorized to carry out a project on Wakefield Street in West Warwick, Rhode Island, to improve pavement surfaces, curbs, and sidewalks, to add drainage facilities, and to widen approximately 3.5 miles of such street.

(116) MYRTLE BEACH, SOUTH CAROLINA.—The Secretary is authorized to carry out a project to construct a new controlled access road from Interstate Route I-95 at Florence, South Carolina to United States Route 17, north of Myrtle Beach, South Carolina, including a connector from northwest of Conway, South Carolina, to United States Route 17, south of Myrtle Beach.

(117) KEYSTONE, SOUTH DAKOTA.—The Secretary is authorized to carry out a project to construct an additional lane on South Dakota Route 244 from Mount Rushmore National Memorial to the vicinity of Keystone.

(118) WEST TODD COUNTY, SOUTH DAKOTA.—The Secretary is authorized to carry out a project for grading and interim surfacing of United States Route 18 in South Dakota from the West Todd County line, east.

(119) IROQUOIS-DE SMET, SOUTH DAKOTA.—The Secretary is authorized to carry out a project for grading and resurfacing United States Route 14 in South Dakota from Iroquois to De Smet.

101 STAT. 198

(120) DALLAS, TEXAS.—The Secretary is authorized to carry out a project to construct and upgrade 8.1 miles from Beltline Road in Dallas County to SR-121 in Collin County.

(121) BLUE RIDGE PARKWAY, VIRGINIA.—The Secretary is authorized to carry out a 10-mile extension of the Blue Ridge Parkway to the Explore Project (a tourist destination located in the Roanoke Valley in western Virginia to be designed and built by the National Park Service and to be transferred to and maintained by the Blue Ridge Parkway portion of the National Park Service).

(b) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out—

(1) subsection (a)(1) $5,000,000;
(2) subsection (a)(2) $2,000,000;
(3) subsection (a)(3) $1,100,000;
(4) subsection (a)(4) $850,000;
(5) subsection (a)(5) $500,000;
(6) subsection (a)(6) $550,000;
(7) subsection (a)(7) $2,900,000;
(8) subsection (a)(8) $9,000,000;
(9) preliminary engineering and design under subsection (a)(9) $600,000;
(10) preliminary engineering and design under subsection (a)(10) $1,030,000;
(11)(A) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(A) $4,500,000; and

(B) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(B) $4,500,000;
(12) subsection (a)(12) $1,400,000;
(13) subsection (a)(13) $2,900,000;
(14) subsection (a)(14) $800,000;
(15) subsection (a)(15) $750,000;
(16) subsection (a)(16) $1,300,000;
(17) preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(17) $1,100,000;
(18) subsection (a)(18) $350,000;
(19) subsection (a)(19) $2,100,000;
(20) subsection (a)(20) $900,000;
(21) subsection (a)(21) $300,000;
(22) subsection (a)(22) $600,000;
(23) subsection (a)(23) $800,000;
(24) subsection (a)(24) $1,250,000;
(25) subsection (a)(25) $800,000;
(26) subsection (a)(26) $1,500,000;
(27) subsection (a)(27) $2,000,000;
(28) subsection (a)(28) $1,200,000;
(29) subsection (a)(29) $220,000;
(30) subsection (a)(30) $1,208,000;
(31) subsection (a)(31) $1,500,000;
(32) subsection (a)(32) $1,400,000;
(33) subsection (a)(33) $260,000;
(34) subsection (a)(34) $310,000;

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(35) subsection (a)(35) $975,000;
(36) subsection (a)(36) $385,000;
(37) subsection (a)(37) $200,000;
(38) subsection (a)(38) $7,400,000;
(39) preliminary engineering and design under subsection (a)(39) $550,000;
(40) subsection (a)(40) $800,000;
(41)(A) subsection (a)(41) $1,050,000; and
(B) land acquisition under subsection (a)(41)(B) $2,400,000;
(42) subsection (a)(42) $453,000;
(43) subsection (a)(43) $6,650,000;
(44) subsection (a)(44) $1,340,000;
(45) subsection (a)(45) $72,000;
(46) subsection (a)(46) $400,000;
(47) subsection (a)(47) $1,080,000;
(48) subsection (a)(48) $75,000;
(49) subsection (a)(49) $90,000;
(50) subsection (a)(50) $200,000;
(51) subsection (a)(51) $500,000;
(52) subsection (a)(52) $900,000;
(53) subsection (a)(53) $1,880,000;
(54) preliminary engineering and design under subsection (a)(54) $1,300,000;
(55) subsection (a)(55) $1,230,000;
(56) subsection (a)(56) $195,800;
(57) land acquisition under subsection (a)(57) $400,000;
(58) subsection (a)(58) $2,500,000;
(59) subsection (a)(59) $1,500,000;
(60) subsection (a)(60) $220,000;
(61) subsection (a)(61) $2,000,000;
(62) subsection (a)(62) $1,760,000;
(63) subsection (a)(63) $1,000,000;
(64) preliminary engineering and design under subsection (a)(64) $150,000;
(65) preliminary engineering and design under subsection (a)(65) $200,000;
(66) subsection (a)(66) $1,800,000;
(67) subsection (a)(67) $3,400,000;

(68) subsection (a)(68) $1,170,000;
(69) subsection (a)(69) $600,000;
(70) preliminary engineering and design under subsection (a)(70) $300,000;
(71) preliminary engineering and design, environmental analysis, and implementation of environmental mitigation measures under subsection (a)(71) $800,000;
(72) subsection (a)(72) $900,000;
(73) subsection (a)(73) $900,000;
(74) subsection (a)(74) $500,000;
(75) subsection (a)(75) $600,000;
(76) subsection (a)(76) $100,000;
(77) subsection (a)(77) $400,000;
(78) subsection (a)(78) $300,000;
(79) subsection (a)(79) $563,000;
(80) subsection (a)(80) $800,000;
(81) subsection (a)(81) $1,370,000;
(82) subsection (a)(82) $1,800,000;
101 STAT. 200 (83) subsection (a)(83) $500,000;
(84) subsection (a)(84) $4,000,000;
(85) subsection (a)(85) $4,000,000;
(86) subsection (a)(86) $2,600,000;
(87) subsection (a)(87) $590,000;
(88) subsection (a)(88) $520,000;
(89) subsection (a)(89) $250,000;
(90) subsection (a)(90) $250,000;
(91) subsection (a)(91) $3,000,000;
(92) subsection (a)(92) $56,000;
(93) subsection (a)(93) $310,000;
(94) subsection (a)(94) $258,000;
(95) subsection (a)(95) $862,000;
(96) subsection (a)(96) $540,000;
(97) subsection (a)(97) $856,000;
(98) subsection (a)(98) $398,000;
(99) subsection (a)(99) $260,000;
(100) subsection (a)(100) $100,000;
(101) subsection (a)(101) $4,000,000;
(102) subsection (a)(102) $3,240,000;
(103) subsection (a)(103) $2,058,000;
(104) subsection (a)(104) $540,000;
(105) subsection (a)(105) $900,000;
(106) subsection (a)(106) $600,000;
(107) subsection (a)(107) $4,000,000;
(108) subsection (a)(108) $200,000;
(109) subsection (a)(109) $600,000;
(110) subsection (a)(110) $800,000;
(111)(A) subsection (a)(111)(A) $180,000;
(B) subsection (a)(111)(B) $120,000;
(C) subsection (a)(111)(C) $300,000;
(D) subsection (a)(111)(D) $370,000;
(E) subsection (a)(111)(E) $280,000;
(F) subsection (a)(111)(F) $590,000;
(G) subsection (a)(111)(G) $80,000;
(H) subsection (a)(111)(H) $80,000;
(I) subsection (a)(111)(I) $100,000;
(J) subsection (a)(111)(J) $160,000;
(K) subsection (a)(111)(K) $80,000;
(L) subsection (a)(111)(L) $160,000; and
(M) subsection (a)(111)(M) $60,000;
(112) subsection (a)(112) $810,000;
(113) subsection (a)(113) $250,000;
(114) subsection (a)(114) $400,000;
(115) subsection (a)(115) $380,000;
(116) subsection (a)(116) $4,000,000;
(117) subsection (a)(117) $300,000;

(118) subsection (a)(118) $930,000;
(119) subsection (a)(119) $754,000;
(120) subsection (a)(120) $4,000,000; and
(121) subsection (a)(121) $1,500,000.

(c) MINIMUM ALLOCATION.—

(1) IN GENERAL.—If the total amount authorized for projects in a State in a fiscal year under subsection (b) is less than $829,060, the Secretary shall allocate an additional amount to such State for such fiscal year. The additional amount shall be an amount which, when added to the total amount authorized for projects in such State for such fiscal year under subsection (b), equals $829,060. 101 STAT. 201

(2) USE OF FUNDS.—Subject to subsections (d) and (e), amounts allocated under paragraph (1) shall be available to a State to carry out any project on a Federal-aid system.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $12,200,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out this subsection.

(d) AMOUNTS AVAILABLE FROM DISCRETIONARY FUNDS.—

(1) DETERMINATION OF AMOUNT FOR EACH PROJECT.—For each project authorized by subsection (a), the Secretary shall make available in any fiscal year an amount equal to 60 percent of the amount authorized for such project for such fiscal year by subsection (b). For each project constructed by a State with funds allocated under subsection (c), the Secretary shall make available to such State for such project an amount equal to 60 percent of the amount of such funds used for such project.

(2) AMOUNTS DERIVED FROM DISCRETIONARY FUNDS.—The amounts required to carry out paragraph (1) shall be derived from the discretionary funds described in paragraph (3). For each of fiscal years 1987, 1988, 1989, 1990, and 1991, the Secretary shall reserve from each such discretionary fund an amount equal to—

(A) the total required to carry out paragraph (1) for such fiscal year, multiplied by

(B) a fraction, the numerator of which is the amount available to be distributed at the discretion of the Secretary for such fiscal year from such discretionary fund, and the denominator of which is the amount available to be distributed at the discretion of the Secretary for such fiscal year from all such discretionary funds.

(3) DISCRETIONARY FUNDS.—The discretionary funds referred to in paragraph (2) are the funds available to be distributed at the discretion of the Secretary under—

(A) section 103(e)(4) of title 23, United States Code, for highway assistance projects;

(B) section 118(b) of such title; *Ante*, p. 150.

(C) section 118(c) of such title; and

(D) section 144(g) of such title; *Ante*, p. 161.

except that such discretionary funds shall not include the funds available under section 118(b) of such title in fiscal year 1987.

(4) APPLICABILITY OF CERTAIN PROVISIONS.—A provision of title 23, United States Code, shall only apply to amounts to be obligated under this subsection to the extent that the Secretary determines that application of such provision is consistent with this section.

(e) STATE SHARE.—

(1) GENERAL RULE.—A State in which a project authorized by subsection (a) is located, or which constructs a project with funds received under an allocation under subsection (c), shall provide for such project an amount equal to 40 percent of the amount authorized for such project or the amount provided for such project from such allocation. Such amount shall be provided from non-Federal sources.

101 STAT. 202

(2) LOCAL GOVERNMENT OPTION.—Any portion of the State share under this subsection and subsection (f) may be provided by a political subdivision of the State, at the election of such political subdivision.

(f) ADDITIONAL FUNDS.—

(1) GENERAL RULE.—If amounts provided under subsections (b), (c), (d), and (e) of this section are not sufficient to complete a project authorized by subsection (a), a State may use any funds apportioned or allocated to the State for Federal-aid highways (other than interstate construction, highway-railway crossings, and hazard elimination funds) and any State funds to complete such project.

(2) FEDERAL SHARE.—If Federal-aid highway funds are used to complete a project pursuant to this subsection, the use of such funds shall be subject to the appropriate Federal share applicable with respect to such class of funds under title 23, United States Code.

(g) DELEGATION TO STATES.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for construction of a project or projects under this section (other than subsection (k)) to the State in which such project or projects are located upon request of such State.

(h) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for construction of a project under this section (other than subsection (k))—

(1) has obligated all funds allocated under this section for construction of such project; and

(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section.

(i) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with this section and such funds shall remain available until expended. Funds authorized by subsections (b) and (c) shall not be subject to any obligation limitation.

23 USC 101 *et seq.*

(j) REPORTS.—

(1) STATUS REPORTS.—Not later than January 31 of calendar years 1988, 1989, 1990, and 1991, the Secretary shall submit to Congress a report on the status of the projects authorized by this section.

(2) PASSAIC COUNTY, NEW JERSEY.—Not later than 180 days after completion of the demonstration project under subsection (a)(1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under such paragraph (1).

101 STAT. 203

23 USC 124 note.

Reports.

(3) ALTOONA, PENNSYLVANIA.—Not later than 1 year, 6 years, and 11 years after the completion of the state of the art delineation technology project under subsection (a)(8), the Secretary shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best

delineation technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such delineation techniques.

(4) ARKANSAS-MISSOURI.—Not later than 1 year, 6 years, and 11 years after the completion of the projects under subsection (a)(11), the Secretary shall submit reports to the Congress, including but not limited to the results of such projects, the effects of using design features and advances described in such paragraph on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features and advances. Reports.

(5) LIMITATION ON FUNDING.—The cost of any reports required by this subsection (other than status reports under paragraph (1) with respect to a project) shall be paid for with funds made available under subsection (b) of this section for such project.

(k) PRIORITY PROJECTS.—

(1) PROJECT DESCRIPTIONS.—

(A) DRY RIDGE, KENTUCKY.—The Secretary is authorized to carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an interstate route in the vicinity of Dry Ridge, Kentucky, with a highway on the Federal-aid primary system in the vicinity of Owenton, Kentucky.

(B) ISLE OF PALMS, SOUTH CAROLINA.—The Secretary is authorized to carry out a highway project connecting the Isle of Palms, South Carolina, to the mainland for the purpose of demonstrating the reduction in traffic congestion, improved emergency preparedness, and increased accessibility to a sea island by construction of a high-level fixed span bridge over a high-volume intracoastal waterway segment.

(C) IDAHO FALLS, IDAHO.—The Secretary is authorized to carry out the United States Route 20/26 Highway Project, located on United States Route 20/26 and United States Route 20 between the Idaho National Engineering Laboratory site and the city of Idaho Falls, Idaho.

(D) LAS CRUCES, NEW MEXICO.—The Secretary is authorized to carry out work on United States 70 in the State of New Mexico from Las Cruces, New Mexico to Texico, New Mexico.

(E) LAWRENCE, KANSAS.—The Secretary is authorized to carry out, in Lawrence, Kansas, a bypass project which is a model for its cost-sharing arrangement and economic development goals.

101 STAT. 204

(F) WICHITA, KANSAS.—The Secretary is authorized to carry out, in Wichita, Kansas, the replacement of a conventional intersection of 2 heavily-travelled streets at Kellogg and Oliver with a new low-cost European fly-over design for the interchange.

(G) EMPORIA, KANSAS.—The Secretary is authorized to construct, in Emporia, Kansas, a new Prairie Street overpass to overcome existing flood conditions.

(H) SOUTH CAROLINA.—The Secretary is authorized to construct the South Carolina portion of the Bobby Jones Expressway bypass from I-20 near North Augusta, South Carolina, south across the Savannah River into Georgia, where it connects with I-520.

(I) FORT WORTH, TEXAS.—The Secretary is authorized to carry out reconstruction and widening of a critical interchange ("West Leg") involving major, heavily traveled east-west and north-south interstate highways (I-30 and I-35, respectively), Fort Worth, Texas.

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(J) EBSENBERG, PENNSYLVANIA.—The Secretary is authorized to carry out and construct the Ebsenberg Pennsylvania bypass to divert traffic from Route 219 in Ebsenberg, Pennsylvania, to a 5.1 mile relocated segment.

(K) ST. LOUIS, MISSOURI.—The Secretary is authorized to carry out the restoration of the Martin Luther King bridge connecting the metro east area in Illinois and St. Louis, Missouri.

(L) IOWA.—The Secretary is authorized to carry out the construction of a bridge on United States Route 30 in Iowa to replace a 56-year-old structure which is too narrow to be utilized by motor carriers.

(M) EAST CHICAGO, INDIANA.—The Secretary is authorized to construct the Cline Avenue—I-94 Interchange in East Chicago, Indiana.

(N) EAST CHICAGO, INDIANA.—The Secretary is authorized to carry out the Cline Avenue Interchange improvement project in East Chicago, Indiana, for the reconstruction of an intersection of Cline Avenue and the Borman Expressway.

(O) TEXARKANA, TEXAS.—The Secretary is authorized to carry out a highway project in the United States Route 59 highway corridor in Texas, from Texarkana to Houston to Beeville.

(P) SOMERSET, PENNSYLVANIA.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a 4-lane highway out of a 2-lane segment of Route 219 between Somerset, Pennsylvania, and the border of the State of Maryland.

(Q) JOHNSTOWN, PENNSYLVANIA.—The Secretary is authorized to carry out a study to determine the feasibility of constructing a 4-lane highway out of a 2-lane segment that connects Route 56, near Johnstown, Pennsylvania, to Route 22.

(R) PITTSBURGH, PENNSYLVANIA.—The Secretary is authorized to carry out a study to determine the feasibility of making Route 22 between Ebensburg and Pittsburgh, Pennsylvania, completely 4-lane.

101 STAT. 205

(S) EXTON, PENNSYLVANIA.—The Secretary is authorized to carry out a project to construct a bypass of approximately 4.9 miles parallel to Route 30, to divert motor traffic around the city of Exton, Pennsylvania.

(T) BELLA VISTA, ARKANSAS.—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from 2 to 4.

(2) FUNDING.—A State may use any amount apportioned for fiscal year 1987, 1988, 1989, 1990, or 1991 under section 104 (other than 104(b)(5)(A)) or section 144 of title 23, United States Code, to pay the Federal share of the cost of a project under this subsection.

(3) FEDERAL SHARE.—If Federal-aid highway funds are used to complete a project pursuant to this subsection, the use of such funds shall be subject to the appropriate Federal share applicable with respect to such class of funds under title 23, United States Code.

SEC. 150. CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA.

(a) AVAILABILITY OF PARKWAY FUNDS.—Section 160(a) of the Federal-Aid Highway Act of 1973 (87 Stat. 278) is amended by adding at the end the following new sentences: "After completion of the reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park (including construction of a tunnel and the approaches thereto), funds available for parkways, notwithstanding the definition of parkways in section 101(a) of title 23, United States Code, shall be available to finance the cost of upgrading from 2 lanes to 4 lanes a highway providing access from such route through that portion of the Cumberland Gap National Historical Park which lies within the State of Virginia. The project referred to in the preceding sentence, including preparation of any environmental impact statements with respect to such project, shall not delay or affect in any way the reconstruction and relocation of Route 25E (including construction of a tunnel and approaches thereto).".

(b) INCLUSION OF APPROACHES.—Subsection (b) of section 160 of such Act is amended by inserting after "rights-of-way" the following: ", including approaches in the State of Virginia,".

SEC. 151. DELAWARE RIVER BRIDGES.

Pennsylvania.
New Jersey.

(a) REPAYMENT OF FEDERAL FUNDS INVESTED ON I-80 BRIDGE.—

(1) IN GENERAL.—The Delaware River Joint Toll Bridge Commission (hereinafter in this section referred to as the "Commission"), in conjunction with the State highway agencies of the States of Pennsylvania and New Jersey, shall enter into an agreement with the Secretary to repay to the Treasury of the United States any Federal funds which previously have been obligated or otherwise expended by the Federal Government with respect to the Delaware Water Gap Bridge on I-80. Such repayment shall be credited to the Highway Trust Fund. 101 STAT. 206

(2) EFFECT OF REPAYMENT.—Upon such repayment, such States and the Commission shall be free of all restrictions contained in title 23, United States Code, and any regulation or agreement thereunder, with respect to the collection or imposition of tolls or other charges for such bridge or the use thereof.

(b) AGREEMENT TO CONSTRUCT I-78 TOLL BRIDGE.—If the State of Pennsylvania, the State of New Jersey, and the Commission determine to operate the uncompleted bridge under construction in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, on I-78 as a toll bridge, such States, the Commission, and the Secretary shall enter into an agreement with respect to such I-78 bridge project as provided in section 129 of title 23, United States Code, notwithstanding the requirements of section 301 of such title or any existing agreement.

(c) RIGHT OF REVIEW BY FEDERAL AGENCIES.—The Commission's authority to fix, charge or collect any fees, rentals, tolls, or other charges shall be as provided in its compact and supplements thereto (including the supplemental agreement described in subsection (e)); except that paragraph (c) of such supplemental agreement shall not be construed to eliminate the necessity for review and approval by any Federal agency, as may be required under applicable Federal law, to determine that the tolls charged by the Commission are reasonable and just consistent with the Commission's responsibilities under such compact and supplements thereto.

(d) LIMITATIONS.—

(1) NO TOLLS ON EXISTING NONTOLL BRIDGES.—Nothing in this section shall be construed to grant congressional consent to the imposition of tolls by the Commission on any existing and operating bridge under the Commission's jurisdiction on which tolls were not charged and collected on January 1, 1986.

(2) NONAPPLICABILITY TO I-895 CORRIDOR.—Nothing in this section shall constitute congressional approval to construct any additional toll bridge in the previously designated I-895 corridor.

(e) SUPPLEMENTAL AGREEMENT.—

(1) CONSENT OF CONGRESS.—The consent of the Congress is hereby given to the supplemental agreement, described in paragraph (2), concerning the Delaware River Joint Toll Bridge Commission, which agreement has been enacted by the State of Pennsylvania on December 18, 1984, as Act 206, laws of 1984, and by the State of New Jersey on October 21, 1985, as Public Law 1985, chapter 342.

(2) DESCRIPTION OF AGREEMENT.—The agreement referred to in paragraph (1) reads substantially as follows:

101 STAT. 207

"SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

"SUPPLEMENTING THE COMPACT OR AGREEMENT ENTITLED 'AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES, AS HERETOFORE AMENDED AND SUPPLEMENTED, TO ESTABLISH THE PURPOSES FOR WHICH THE COMMISSION MAY FIX, CHARGE, AND COLLECT TOLLS, RATES, RENTS, AND OTHER CHARGES FOR THE USE OF COMMISSION FACILITIES AND PROPERTIES'

"The Commonwealth of Pennsylvania and the State of New Jersey do solemnly covenant and agree, each with the other, as follows:

"(a)(1) Notwithstanding any other provision of the compact hereby supplemented, or any provision of law, State or Federal to the contrary, as soon as the existing outstanding bonded indebtedness of the commission shall be refunded, defeased, retired, or otherwise satisfied and thereafter, the commission may fix, charge, and collect tolls, rates, rents, and other charges for the use of any commission facility or property and in addition to any purpose now or heretofore or hereafter authorized for which the revenues from such tolls, rates, rents, or other charges may be applied, the commission is authorized to apply or expend any such revenue for the management, operation, maintenance, betterment, reconstruction, or replacement (A) of the existing non-toll bridges, formerly toll or otherwise, over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto, and (B) of all other bridges within the commission's jurisdiction and control. Betterment shall include but not be limited to parking areas for public transportation services and all facilities appurtenant to approved projects.

"(2) The commission may borrow money or otherwise incur indebtedness and provide from time to time for the issuance of its bonds or other obligations for one or more of the purposes authorized in this supplemental agreement. The commission is authorized to pledge its tolls, rates, rents, and other revenues, or any part thereof, as security for the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes, and as security for the satisfaction of any other obligation assumed by it in connection with such loan or advances.

"(3) The authority of the commission to fix, charge, and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction, including the bridge at the Delaware Water Gap, is confirmed.

"(4) The covenants of the State of New Jersey and the Commonwealth of Pennsylvania as set forth in Article VI of the compact to which this is a supplemental agreement shall be fully applicable to any bonds or other obligations issued or undertaken by the commission. Notwithstanding Article VI or any other provision of the compact, the State of New Jersey and the Commonwealth of Pennsylvania may construct a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within ten miles of the existing toll bridge at that location. All the rest and remainder of the compact, as amended or supplemented, shall be in full force and effect except to the extent it is inconsistent with this supplemental agreement. 101 STAT. 208

"(b) The commission is authorized to fix, charge, or collect fees, rentals, tolls, or any other charges on the proposed bridge to be constructed in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, in the same manner and to the same extent that it can do so for other toll bridges under its jurisdiction and control: *Provided,* That the United States Government has approved the bridge to be a part of the National System of Interstate and Defense Highways with 90 per centum of the cost of construction to be contributed by the United States Government: *And provided further,* That the non-Federal share of such bridge project is contributed by the commission. The commission is further authorized in the same manner and to the same extent that it can do so for all the other toll bridges under its jurisdiction and control to fix, charge, and collect fees, rentals, tolls or any other charges on any other bridge within its jurisdiction and control if such bridge has been constructed in part with Federal funds.

"(c) The consent of Congress to this compact shall constitute Federal approval of the powers herein vested in the commission and shall also constitute authority to the United States Department of Transportation or any successor agency and the intent of Congress to grant and Federal approvals required hereunder to permit the commission to fix, charge, and collect fees, rentals, tolls, or any other charges on the bridges within its jurisdiction to the extent provided in subsections (a) and (b) and this subsection and the compact.

"(d) Notwithstanding the above provisions, the commission shall not fix, charge, or collect fees, rentals, tolls, or any other charges on any of the various bridges formerly toll or otherwise over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto.

"(e) At any time that the commission shall be free of all outstanding indebtedness, the State of New Jersey and the Commonwealth of Pennsylvania may, by the enactment of substantially similar acts, require the elimination of all tolls, rates, rents, and other charges on all bridges within the commission's jurisdiction and control and, thereafter, all costs and charges in connection with the construction, management, operation, maintenance, and betterment of bridges within the jurisdiction and control of the commission shall be the financial responsibility of the States as provided by law.".

SEC. 152. PROHIBITION ON WIDENING CERTAIN ROUTES THROUGH HISTORIC DISTRICT.

Ohio

101 STAT. 209

None of the funds authorized by this Act or any other Act or any amendment made by this Act may be obligated for a project to widen any State route through the historic district of the village of Hudson, Ohio, or for a project to construct an alternative or bypass route for such a route within 1 mile of such historic district, unless specifically approved by the village council of the village of Hudson, Ohio.

SEC. 153. URBAN HIGH DENSITY PROGRAM.

Indiana

Of amounts available under the urban high density program, $2,806,675 is rescinded. $2,806,675 shall be made available out of the Highway Trust Fund by the Secretary for reconstruction of an interchange on an urban high density project designated in the State of Indiana in accordance with section 146 of title 23, United States Code (as such section was in effect on August 13, 1973).

23 USC 101 note

SEC. 154. SIGNS IDENTIFYING FUNDING SOURCES.

If a State has a practice of erecting on projects under actual construction without Federal-aid highway assistance signs which indicate the source or sources of any funds used to carry out such projects, such State shall erect on all projects under actual construction with any funds made available out of the Highway Trust Fund (other than the Mass Transit Account) signs which are visible to highway users and which indicate each governmental source of funds being used to carry out such federally assisted projects and the amount of funds being made available by each such source.

SEC. 155. SALVAGE OPERATION.

Massachusetts

Notwithstanding any other provision of law, the State of Massachusetts is required—

(1) to assist and coordinate the salvaging of the foundation and associated structures of the historic Great House in City Square, Charlestown, Massachusetts;

(2) to store the salvaged material during the depression and reconstruction of an interstate highway in Charlestown, Massachusetts; and

(3) to assist and coordinate the incorporation of the Great House's foundation and related structures into the reconstruction of City Square at Charlestown, Massachusetts.

SEC. 156. RELEASE OF CONDITION RELATING TO CONVEYANCE OF A CERTAIN HIGHWAY.

Maryland

Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 (84 Stat. 1739) and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

SEC. 157. MARYLAND INTERSTATE TRANSFER.

Section 7 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55-56), is amended—

(1) in the first sentence by inserting "not to exceed" before "$100,000,000";

(2) in the second sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of such funds"; and 101 STAT. 210

(3) in the third sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of funds transferred under this section".

SEC. 158. MOTOR VEHICLE STUDY. 23 USC 127 note.

(a) STUDY.—The Secretary shall enter into appropriate arrangements with the Transportation Research Board of the National Academy of Sciences (hereinafter in this section referred to as the "Board") to conduct a study of those motor vehicle issues set forth in subsection (b) of this section. The Board shall consult with the Department of Transportation, the State highway administrations, the motor carrier industry, highway safety groups, and any other appropriate entities.

(b) ITEMS INCLUDED.—The study shall include an analysis of the impacts of the various positions that have been put forth with respect to each issue. The final report shall include best estimates of the effects on pavement, bridges, highway revenue and cost responsibility, and highway safety, and the changes in transportation costs and other measures of productivity for various segments of the trucking industry resulting from adoption of each of the positions identified and analyzed. Related issues of permitting, weight enforcement, and data availability and reliability shall be addressed as appropriate. The issues to be addressed shall include but not be limited to the following: Reports.

(1) Elimination of existing, grandfather provisions of section 127, title 23, United States Code, which allow higher axle loads and gross vehicle weights than the 20,000-pound single axle load limit, 34,000-pound tandem axle load limit, and 80,000-pound gross vehicle weight limit maximums authorized by the Federal-Aid Highway Amendments of 1974 (Public Law 93-643), including permits for divisible loads and statutory provisions providing higher weights by formula, tolerance or statutory specification. 23 USC 101 note.

(2) Analysis of alternative methods of determining a gross vehicle weight limit and axle loadings for all types of motor carrier vehicles.

(3) Analysis of the bridge formula contained in section 127 of such title 23 in view of current vehicle configurations, pavement and bridge stresses in accord with 1986 design and construction practices, and existing bridges on and off the Interstate System.

(4) Establishment of a nationwide policy regarding the provisions of "reasonable access" to the National Network for combination vehicles established pursuant to the Surface Transportation Assistance Act of 1982. 23 USC 101 note.

(5) Recommendation of appropriate treatment for specialized hauling vehicles which do not comply with the existing Federal bridge formula.

(c) REPORT.—The Board shall submit a final report to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section, not later than 30 months after appropriate arrangements are entered into under subsection (a). Appropriate arrangements shall be concluded within 6 months after the date of the enactment of this Act. 101 STAT. 211

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 per fiscal year for each of fiscal years 1987 and 1988. Funds authorized by this

section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall remain available until expended.

23 USC 101 *et seq.*

23 USC 130 note

SEC. 159. RAIL-HIGHWAY CROSSINGS STUDY.

(a) STUDY.—The Secretary shall conduct a study of national highway-railroad crossing improvement and maintenance needs. The Secretary shall consult with the State highway administrations, the Association of American Railroads, highway safety groups, and any other appropriate entities in carrying out this study.

(b) ITEMS INCLUDED.—The issues to be addressed by the study described in subsection (a) shall include, but not be limited to, the following:

(1) An examination of any correlation which may exist between existing conditions at highway-railroad crossings and accident data at such crossings.

(2) An examination of existing hazards to motorists and railroad personnel and community impacts resulting from mobility and capacity constraints at such crossings including delays of police, fire, and emergency medical services.

(3) An analysis of the most cost effective methods of protecting the public at crossings including a review of the impact of Federal funds expended at crossings; division of cost of improvements and maintenance between Federal, State, local governments and railroads; cost effectiveness of the railroad relocation demonstration program conducted under section 163 of the Federal-Aid Highways Act of 1973 as compared to the railroad-highway crossings program conducted under section 130 of title 23, United States Code; and the cost of upgrading existing equipment at crossings to the latest technology.

23 USC 130 note

(4) An examination of driver behavior at such crossings and what technologies are most effective in changing behavior and preventing accidents.

(5) An examination of what effect the shift in rail traffic patterns, including abandonments, mergers, and increased demand in certain corridors) has on railroad-highway crossing needs.

(6) A review of any other potential costs associated with such crossings, including accident liability, increased truck size and weight, and maintenance responsibilities.

(7) An examination of railroad and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by railroad-highway crossings.

(8) An examination of the feasibility of addressing these needs on a corridor or system basis.

(9) An examination of the responsibility of rail and highway authorities in addressing these needs.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit a final report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section along with recommendations of how crossing needs can be addressed in a cost effective manner.

101 STAT. 212

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $600,000 for 1987. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall remain available until expended.

23 USC 101 *et seq.*

SEC. 160. STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES. 23 USC 144 note.

(a) NEEDS INVESTIGATION.—The Secretary shall conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed. Such study and investigation shall assess—

(1) railroad and highway needs relating to safety, capacity, and mobility and the needs of communities affected by such bridges;

(2) the feasibility of addressing these needs on a comprehensive, national basis; and

(3) the responsibility of railroad and highway authorities in addressing these needs.

(b) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the Secretary's study and investigation along with recommendations on how the bridge needs referred to in subsection (a) may best be addressed on a long term basis in a cost-effective manner.

SEC. 161. PARKING FOR HANDICAPPED PERSONS. 23 USC 402 note.

(a) STUDY.—The Secretary shall conduct a study for the purpose of determining—

(1) any problems encountered by handicapped persons in parking motor vehicles; and

(2) whether or not each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a).

(c) DEVELOPMENT OF PROPOSED UNIFORM STATE LAW.—

(1) REQUIREMENT.—If the Secretary determines under subsection (a) that each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons and submit a copy of the proposed uniform State law to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives and each State. 101 STAT. 213

(2) FACTORS TO CONSIDER.—In developing the proposed uniform State law, the Secretary shall consult with the States and shall consider any advantages—

(A) of ensuring that parking privileges for handicapped persons may be utilized whether a handicapped person is a passenger or a driver;

(B) of the use of the international symbol of access as the exclusive symbol identifying parking zones for handicapped persons and identifying vehicles that may park in such parking zones;

(C) of displaying the international symbol of access on license plates or license plate decals and on identification placards; and

(D) of designing any identification placard so that the placard is easily visible when placed in the interior of any vehicle.

(3) REPORT.—If a proposed uniform State law with respect to parking privileges for handicapped persons is developed and submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives under paragraph (1), within 12 months after the date of such submission and each year thereafter, the Secretary shall report to such committees on the extent to which each State has adopted the proposed uniform State law.

SEC. 162. BRIDGE MANAGEMENT STUDY.

(a) INVESTIGATION AND STUDY.—The Secretary shall make a full and complete investigation and study of State bridge management programs for the purpose of determining whether or not States participating in the Federal bridge replacement and rehabilitation program under section 144 of title 23, United States Code, need to establish a comprehensive bridge management program.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning State establishment of comprehensive bridge management programs and any minimum requirements of such programs which the Secretary considers appropriate based on the findings of such investigation and study.

23 USC 116 note

SEC. 163. STATE MAINTENANCE PROGRAM STUDY.

(a) INVESTIGATION AND STUDY.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

(b) REPORT.—Not later than 18 months after entering into appropriate arrangements under subsection (a), the National Academy of Sciences shall submit to the Secretary and the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

101 STAT. 214

SEC. 164. FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS.

(a) GRANT PURPOSE.—The Secretary shall make a grant to the California Department of Transportation for the purpose of determining the feasibility and applicability of utilizing a highway electrification system as a source of energy for highway vehicles. Such grant shall cover the costs of activities necessary to make such determination, including (but not limited to) necessary land acquisition, construction of a test facility, research, planning, analysis, and engineering.

(b) GRANT CONDITIONS.—A grant may only be made under this section if the California Department of Transportation agrees—

(1) to conduct, through the test facility to be constructed under such grant, a study to determine the feasibility and applicability of using a highway electrification system as a source of energy for highway vehicles; and

(2) to submit to the Secretary a report on the results of such

study not later than three years after the date such construction is completed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $970,000 per fiscal year for each of fiscal years 1987, 1988, and 1989.

(d) FUNDING AND APPLICABILITY OF TITLE 23.—Except as provided in subsection (e), funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended. 23 USC 101 *et seq.*

(e) FEDERAL SHARE.—The Federal share of the cost of conducting the study under this section shall not exceed 65 percent.

SEC. 165. COST EFFECTIVENESS STUDY OF HIGHWAY UPGRADING.

(a) STUDY.—The Secretary shall conduct a study—

(1) to determine the cost-effectiveness of carrying out a project to upgrade Route 219—

(A) between its intersection with Interstate Route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania; and Pennsylvania. New York.

(B) between its intersection with New York Route 242 near Ellicottville, New York, and its intersection with New York Route 17 (Southern Tier Expressway) in Salamanca, New York; New York.

to the geometric and construction standards adopted for the National System of Interstate and Defense Highways;

(2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project; and

101 STAT. 215

(3) to determine the alignment on which such project should be carried out.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $650,000 for fiscal year 1987.

(d) FUNDING AND APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of conducting the study under this section shall not exceed 65 percent and such funds shall remain available until expended. 23 USC 101 *et seq.*

SEC. 166. HIGHWAY FEASIBILITY STUDY.

(a) STUDY.—The Secretary, in cooperation with the States of Louisiana, Arkansas, and Missouri, shall study the feasibility and necessity of constructing to appropriate standards a proposed highway along a route from Shreveport, Louisiana, to Texarkana, Fort Smith, and Fayetteville, Arkansas, and Carthage and Kansas City, Missouri. Such study shall update the feasibility study conducted under section 143(6) of the Federal-Aid Highway Act of 1973. Louisiana. Arkansas. Missouri. 87 Stat. 272.

(b) FEDERAL SHARE.—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section.

SEC. 167. CALIFORNIA FEASIBILITY STUDY.

(a) STUDY.—The Secretary shall study the feasibility and necessity of constructing a bypass highway around the city of Sebastopol, California.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section. Such report shall compare the costs and benefits of constructing the highway referred to in subsection (a) and shall include the recommendations of the Secretary concerning the location of such highway and appropriate design standards for such highway.

(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $100,000 for fiscal yea 1987.

(d) FUNDING AND APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of conducting the study under this section shall not exceed 65 percent and such funds shall remain available until expended.

23 USC 101 *et seq.*

101 STAT. 216

SEC. 168. NEW YORK FEASIBILITY STUDY.

(a) STUDY.—The Secretary shall study the feasibility and necessity of constructing a major highway on an inland route as an alternative to New York Route 5 from the central business district of Buffalo, New York, to the towns immediately south of Buffalo, New York.

(b) FEDERAL SHARE.—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

SEC. 169. FLORIDA FEASIBILITY STUDY.

(a) STUDY.—The Secretary, in cooperation with the State of Florida, shall conduct a study of the feasibility and necessity of constructing, to appropriate standards, a tunnel of not less than 6 lanes (including approaches thereto) under the Intracoastal Waterway in the vicinity of, and north of, the Port Everglades Seaport in Fort Lauderdale, Florida, to replace a bridge on a State highway system and designated as part of the Federal-aid urban system.

(b) MATTERS INCLUDED.—The study conducted under this section shall include—

(1) an analysis of the need to reduce the congestion on the bridge referred to in subsection (a);

(2) an analysis of the extent to which the tunnel described in subsection (a) would reduce such congestion;

(3) an analysis of the extent to which such tunnel would

improve navigation and the flow of vessels on the Intracoastal Waterway;

(4) an analysis of the extent to which such tunnel would improve safety and emergency services, including emergency evacuation programs;

(5) if appropriate, an analysis of alternative transportation facilities which would relieve the congestion on such bridge; and

(6) an analysis of feasible proposals for financing the construction of such tunnel and, if appropriate, each such alternative transportation facility, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

(c) FEDERAL SHARE.—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under this section together with recommendations, including specific recommendations on the best method or methods of relieving the congestion on the bridge referred to in subsection (a). 101 STAT. 217

(e) CONSULTATION.—In carrying out each phase of the study under this section, the Secretary shall consult with local officials, representatives of local civic organizations, representatives of the port, representatives of local businesses, and other interested parties.

SEC. 170. VIRGIN ISLANDS FEASIBILITY STUDY.

(a) REVIEW.—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall review existing studies relating to traffic congestion in and around Charlotte Amalie, Virgin Islands, for the purpose of determining feasible alternatives to construction of any highway which extends eastward from the vicinity of the Windward Passage Hotel on the western fringe of Charlotte Amalie and a segment of which parallels the existing Charlotte Amalie waterfront and requires extensive landfill along the waterfront. Such alternatives must reduce traffic congestion in and around Charlotte Amalie.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the review under this subsection.

SEC. 171. STUDY OF FERRY BOAT SERVICE.

(a) STUDY.—The Secretary, in consultation with the highway departments of the States of Nebraska and South Dakota, shall conduct a study to determine the feasibility and cost of establishing public ferry boat service on the Missouri River which connects a Federal-aid highway in the vicinity of Niobrara, Nebraska, with a Federal-aid highway in the vicinity of Springfield, South Dakota, and which meets the requirements of section 129(g) of title 23, United States Code. Nebraska. South Dakota.

(b) FEDERAL SHARE.—The Federal share of the cost of conducting the study under this section shall be 65 percent.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the establishment of the ferry boat service described in subsection (a).

SEC. 172. REVIEW OF REPORTS ON UNITED STATES ROUTE 13 RELIEF ROUTE.

The Congress requests the Board of Engineers for Rivers and Harbors of the United States Army Corps of Engineers to review—

(1) the report of the State of Delaware and the Federal Highway Administration for the United States Route 13 Relief Route; Project No. F-1001(16), Contract No. 83-110-01;

(2) the report of the Chief of Engineers on the Inland Waterway from the Delaware River to Chesapeake Bay, Delaware and Maryland, printed as House Document Numbered 63-196; and

(3) other subsequent reports pertinent to the reports referred to in paragraphs (1) and (2);

for the purpose of determining how to best modify the existing canal project to provide a new structure for the selected alignment of the United States Route 13 Relief Route.

101 STAT. 218

23 USC 307 note

SEC. 173. USE OF ROCK SALT ON HIGHWAYS.

It is the sense of Congress—

(1) that, to enhance environmental protection, and mitigate potential damages to highways and vehicles, Congress encourages efforts to advance the research and development of alternative chemical de-icers to rock salt;

(2) that Congress encourages research on alternative chemical de-icers to rock salt under the strategic highway research program under section 307(d) of title 23, United States Code; and

Ante, p. 167.

(3) that once alternative de-icers are commercially available, the full cost of all de-icing materials, including damages to highways, vehicles, and the environment, should be considered by State and local governments in determining their snow and ice control strategies.

SEC. 174. 55-MILES PER HOUR SPEED LIMIT.

(a) IN GENERAL.—Subsection 154(a) of title 23, United States Code, is amended—

(1) by inserting "other than a highway on the Interstate System located outside of an urbanized area of 50,000 population or more, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of 50,000 population or more in excess of 65 miles per hour" immediately after "hour"; and

(2) by renumbering "(2)" as "(3)" at the two places "(2)" appears.

(b) CONFORMING AMENDMENT.—Subsection 154(f) of title 23, United States Code, is amended by inserting "on public highways with speed limits posted at 55 miles per hour" immediately after "hour".

Highway Safety Act of 1987.

TITLE II—HIGHWAY SAFETY ACT OF 1987

23 USC 401 note

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Safety Act of 1987".

SEC. 202. HIGHWAY SAFETY.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $126,000,000 for fiscal years 1988, 1989, 1990, and 1991.

(2) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the National Highway Traffic Safety Administration $33,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) EXTENSION OF NHTSA HIGHWAY SAFETY PROGRAMS FOR FISCAL YEAR 1987.—Section 203(a) of the Surface Transportation Assistance Act of 1982 is amended— 96 Stat. 2138.

(1) in paragraph (1) by striking out "and" and by inserting before the period at the end of such paragraph ", and $126,000,000 for the fiscal year ending September 30, 1987"; 101 STAT. 219

(2) in paragraph (2) by striking out "and" and by inserting "and September 30, 1987" after "1986,"; and

(3) in paragraph (4)(B) by striking out "and September 30, 1986," and inserting in lieu thereof "September 30, 1986, and September 30, 1987,".

(c) MINIMUM OBLIGATIONS OF NHTSA HIGHWAY SAFETY AUTHORIZATIONS.—

(1) ENFORCEMENT OF SPEED LIMIT.—Out of the funds authorized to be appropriated under subsection (a)(3) of this section for each of fiscal years 1988, 1989, 1990, and 1991, not less than $20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the speed limit established by section 154 of such title.

(2) SAFETY BELT PROGRAMS.—Each State shall expend in each fiscal year not less than 2 percent of the amount apportioned to it for such fiscal year of the sums authorized by subsection (a)(3) of this section, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles. Motor vehicles.

(d) OBLIGATION CEILING FOR HIGHWAY SAFETY PROGRAMS.—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $121,000,000 for fiscal year 1987 and $126,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

SEC. 203. ALCOHOL TRAFFIC SAFETY PROGRAMS.

(a) PERIOD OF ELIGIBILITY.—Section 408(c) of title 23, United States Code, is amended—

(1) in the first sentence by striking out "three" and inserting in lieu thereof "5"; and

(2) in the second sentence by striking out "third fiscal year" and inserting in lieu thereof "third, fourth, and fifth fiscal years".

(b) AVAILABILITY OF FUNDS.—Section 408(g) of title 23, United States Code, is amended by inserting before the period at the end of the second sentence the following: "and except that sums authorized by this subsection shall remain available until expended".

(c) DEMONSTRATION OF CERTAIN DRUG AND ALCOHOL TESTING TECHNOLOGY.—

(1) IN GENERAL.—The Secretary is authorized—

(A) to test a new drug and alcohol testing technology which measures corneal retinal potential as exhibited in the brain function wave form; and

(B) to test the application of ignition interlock devices that prohibit the operation of motor vehicles by intoxicated individuals; Motor vehicles.

to determine the potential for applying such technology and devices in preventing drug and alcohol related traffic deaths.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on

the effectiveness and the potential for application of the technology and devices described in paragraph (1).

23 USC 402 note.

SEC. 204. SCHOOLBUS SAFETY MEASURES.

101 STAT. 220

(a) STUDY.—

(1) NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to schoolchildren riding in schoolbuses and of the use of seatbelts in schoolbuses and other measures that may improve the safety of schoolbus transportation. The purpose of the study and investigation is to determine those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(2) REPORT.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 18 months after the date on which such arrangements are completed, to Congress and the Secretary a report on the results of such study and investigation. The report shall contain a list of those safety measures determined by the Academy to be most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(3) REVIEW OF REPORT.—Upon receipt of the report under paragraph (2), the Secretary shall review such report for the purpose of determining those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses. Not later than 2 months after the date of receipt of such report, the Secretary shall publish in the Federal Register a list of those safety measures which the Secretary determines are the most effective in protecting the safety of such children.

Federal Register, publication.

(4) INFORMATION.—Upon request of the National Academy of Sciences, the Secretary shall furnish to the Academy any information which the Academy deems necessary for the purpose of conducting the study and investigation under this subsection.

(b) SCHOOLBUS SAFETY GRANT PROGRAM.—

(1) SET-ASIDE.—Before apportioning any funds made available to carry out section 402 of title 23, United States Code, for each of fiscal years 1989, 1990, and 1991, the Secretary may set aside an amount not to exceed $5,000,000 for making grants to States to implement those schoolbus safety measures published by the Secretary under subsection (a).

(2) APPLICATION.—Any State interested in receiving under this subsection a grant to implement schoolbus safety measures in fiscal year 1989, 1990, or 1991 shall submit to the Secretary an application for such grant. Applications under this subsection shall be submitted at such time and in such form and contain such information as the Secretary may require by regulation.

(3) LIMITATION.—No State shall receive more than 30 percent of the funds set aside pursuant to this subsection for any fiscal year in grants under this subsection.

49 USC app. 2314.

SEC. 205. SPLASH AND SPRAY SUPPRESSANT DEVICES.

Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) within 1 year after the date of the enactment of the Highway Safety Act of 1987, establish final minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, and trailers unless the Secretary has determined that there is no available technology which— 101 STAT. 221

"(A) can significantly reduce splash and spray from truck tractors, semitrailers, and trailers, and

"(B) can significantly improve visibility of drivers,

as demonstrated during testing on highways, at test facilities, and in laboratories to take into account possible wind and rain conditions;".

SEC. 206. HIGHWAY SAFETY PROGRAM AMENDMENTS.

(a) GUIDELINES.—Section 402 of title 23, United States Code, is amended by striking out "standard" and "standards" each place they appear and inserting in lieu thereof "guideline" and "guidelines", respectively.

(b) WAIVERS FOR EXPERIMENTAL PROGRAMS.—Subsection (a) of such section is amended by striking out the last sentence.

(c) ELIMINATION OF CERTAIN CONDITION.—Subsection (b)(1) of such section is amended by striking out subparagraph (D), relating to comprehensive driver training programs, and by redesignating subparagraphs (E) and (F) (and any references thereto) as subparagraphs (D) and (E), respectively.

(d) RULEMAKING PROCESS.—Subsection (j) of such section is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.". Effective date. Effective date.

SEC. 207. HIGHWAY SAFETY EDUCATION AND INFORMATION.

(a) NATIONAL HIGHWAY SAFETY CAMPAIGN.—Subsection (d) of section 209 of the Highway Safety Act of 1978 is amended to read as follows: 23 USC 401 note.

"(d) NATIONAL HIGHWAY SAFETY CAMPAIGN.—Utilizing those techniques, methods, and practices determined most effective under subsection (b), the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. Not later than the 180th day after the date of submission of the first report to Congress required by subsection (b) of this section, the Secretary shall commence the conduct of such campaign.". 101 STAT. 222

(b) LIMITATION ON OBLIGATIONS.—Subsection (h) of such section is amended by adding at the end thereof the following: "None of the amounts authorized by this subsection shall be available for obliga-

tion for any education or information program conducted in connection with the implementation of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. 571.208).".

(c) OBLIGATION CEILING.—Subsection (i) of such section is amended by inserting before the period at the end the following: "and except that the funds authorized to be appropriated to carry out this section shall not be subject to any obligation limitation".

23 USC 401 note.

SEC. 208. OLDER DRIVER STUDY.

(a) CONTRACT.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which may inhibit the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems.

(b) REPORT.—In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and Congress not later than 24 months after the date of the enactment of this Act on the results of such study and investigation, together with its recommendations.

(c) AVAILABILITY OF INFORMATION.—The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.

(d) PILOT PROGRAM.—

(1) DEVELOPMENT OF PROGRAM.—The Secretary shall develop, in conjunction with the study carried out under this section, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers. The program shall be designed to apply known technology at sites in rural and urban areas and on different types of highways and to determine the daytime and nighttime effectiveness of such technology.

(2) STATES ENCOURAGED TO CARRY OUT PROGRAM.—The Secretary shall encourage the States to carry out the pilot program developed under paragraph (1) with funds available for highway safety improvement projects. In particular, the Secretary shall encourage States with a high percentage of older drivers to give high priority to carrying out the pilot program.

(3) EVALUATION AND REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall evaluate the pilot program under this subsection and shall report to Congress on the effectiveness of such program in improving the safety and mobility of older drivers.

49 USC app. 2204 note.

SEC. 209. RESCISSION OF CONTRACT AUTHORITY.

49 USC app. 2204.

$148,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982 is rescinded. This rescission does not reduce the balance in the Airport and Airway Trust Fund.

101 STAT. 223

Federal Mass Transportation Act of 1987.

TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1987

49 USC 1601 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Mass Transportation Act of 1987".

SEC. 302. LETTERS OF INTENT.

Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by striking out "provided in an appropriation Act" and by striking out "specified in an appropriations Act." and inserting in lieu thereof "specified in law.". 49 USC app. 1602.

SEC. 303. CRITERIA FOR NEW STARTS.

(a) GENERAL RULE.—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection: 49 USC app. 1602.

"(i) CRITERIA FOR NEW STARTS.—No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless the Secretary determines that the proposed project— Grants. Loans.

"(1) is based on the results of an alternatives analysis and preliminary engineering;

"(2) is cost-effective; and

"(3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate. The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment.".

(b) LIMITATION ON APPLICABILITY.—The amendment made by subsection (a) of this section shall not apply to any project— 49 USC app. 1602 note.

(1) for which a letter of intent or full funding contract has been issued under section 3(a)(4) of the Urban Mass Transportation Act of 1964 before the date of enactment of this Act; or Contracts.

(2) which was in the preliminary engineering, final design, or construction stage as of January 1, 1987.

SEC. 304. REPORT ON FUNDING LEVELS AND ALLOCATIONS OF FUNDS.

Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection: 49 USC app. 1602.

"(j) REPORT ON FUNDING LEVELS AND ALLOCATIONS OF FUNDS.—Not later than 30 days after the date of enactment of this subsection and each January 20 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

"(1) a proposal of the total amount of funds which should be made available in accordance with subsection (k)(1)(D) of this section to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following: Grants. Loans.

"(A) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,

"(B) rail modernization, and

"(C) construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(2) a proposal of the allocation of the funds to be made available to finance grants and loans for the construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance.". Grants. Loans.

SEC. 305. ALLOCATION OF SECTION 3 FUNDS.

Section 3 of the Urban Mass Transportation Act of 1964 amended by adding at the end thereof the following: *Ante*, p. 223.

"(k) ALLOCATIONS.—

Grants.
Loans.

"(1) IN GENERAL.—Of the amounts available for grants and loans under this section for fiscal years 1987, 1988, 1989, 1990, and 1991—

"(A) 40 percent shall be available for rail modernization;

"(B) 40 percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems;

"(C) 10 percent shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and

"(D) 10 percent shall be available for the purposes described in subparagraphs (A) through (C), as determined by the Secretary.

"(2) ELIGIBILITY.—(A) The receipt of, or application for, assistance for a project described in subparagraph (A), (B), or (C) of paragraph (1) shall not preclude eligibility for assistance for a project described in any other such subparagraph.

"(B) Prior to the expiration of the 2-year period beginning on the date of enactment of this subsection, the Secretary may not change program administration regarding eligibility for assistance for rail modernization.".

SEC. 306. ADVANCE CONSTRUCTION.

Supra.

(a) DISCRETIONARY GRANT PROGRAM.—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(l) ADVANCE CONSTRUCTION.—

"(1) APPROVED PROJECT.—Upon application of a State or local public body which carries out a project described in this section or a substitute transit project described in section 103(e)(4) of title 23, United States Code, or portion of such a project without the aid of Federal funds in accordance with all procedures and requirements applicable to such a project and upon the Secretary's approval of such application, the Secretary may pay to such applicant the Federal share of the net project costs if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section or such section 103(e)(4), as the case may be.

"(2) BOND INTEREST.—

101 STAT. 225

"(A) ELIGIBLE COST.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State or local public body to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

"(B) LIMITATION ON AMOUNT.—In no event shall the amount of interest considered as a cost of carrying out a project or portion thereof under subparagraph (A) be greater than the excess of—

"(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

"(ii) the actual cost of carrying out such project or portion (not including such interest).

"(C) CHANGES IN CONSTRUCTION COST INDICES.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).".

(b) BLOCK GRANT PROGRAM.—Section 9 of such Act is amended by adding at the end thereof the following new subsection: 49 USC app. 1607a.

"(p) ADVANCE CONSTRUCTION.—

"(1) APPROVED PROJECT.—When a recipient has obligated all funds apportioned to it under this section and proceeds to carry out any project described in this section (other than a project for operating expenses) or portion of such a project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to carrying out projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such recipient and his approval of such application, is authorized to pay to such recipient the Federal share of the costs of carrying out such project or portion when additional funds are apportioned to such recipient under this section if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

"(2) LIMITATION ON PROJECTS.—The Secretary may not approve an application under this subsection unless an authorization for this section is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such recipient. No application may be approved under this subsection which will exceed—

"(A) the recipient's expected apportionment under this section if the total amount of funds authorized to be appropriated to carry out this section for such fiscal year were so appropriated, less

"(B) the maximum amount of such apportionment which could be made available for projects for operating expenses under this section.

"(3) BOND INTEREST.—

"(A) ELIGIBLE COST.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the recipient to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion. 101 STAT. 226

"(B) LIMITATION ON AMOUNT.—In no event shall the amount of interest considered as a cost of carrying out a project or portion under subparagraph (A) be greater than the excess of—

"(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

"(ii) the actual cost of carrying out such project or portion (not including such interest).

"(C) CHANGES IN CONSTRUCTION COST INDICES.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).".

SEC. 307. SECTION 4(h)(1) REPORTS.

Section 4(h)(1) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(h) QUARTERLY REPORTS.—(1) Not later than 30 days after the last day of each calendar quarter, the Secretary shall transmit to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate a report on— 49 USC app. 1603.

"(A) obligations, commitments, and reservations by State, designated recipient, and applicant, made under authority of this Act during that quarter;

"(B) the balance as of the last day of that quarter of the unobligated, uncommitted, and unreserved apportionments made under this Act;

"(C) the balance of unobligated, uncommitted, and unreserved sums available for expenditure at the discretion of the Secretary under this Act as of the close of that quarter;

"(D) a listing of letters of intent issued during that quarter;

"(E) a status report on all letters of intent outstanding as of the close of that quarter; and

"(F) a status report on the execution of grant contracts and the establishment of a letter of credit or other reimbursement authority for sums already obligated for each State, designated recipient, and applicant.".

SEC. 308. LEASED PROPERTY.

Grants.
49 USC app. 1607a.

Section 9(j) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following: "Grants for construction projects under this section shall also be available to finance the leasing of facilities and equipment for use in mass transportation service, subject to regulations limiting such grants to leasing arrangements which are more cost effective than acquisition or construction. The Secretary shall publish regulations under the preceding sentence in proposed form in the Federal Register for public comment not later than 60 days after the date of enactment of this sentence, and shall promulgate such regulations in final form not later than 240 days after such date of enactment.".

Regulations.
Federal Register, publication.

101 STAT. 227

SEC. 309. BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK.

49 USC app. 1608.

(a) INCLUSION IN DEFINITION OF CONSTRUCTION.—Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting "(A)" after "such term also means" and by inserting before the semicolon at the end thereof the following: ", (B) any bus remanufacturing project which extends the economic life of the bus 8 years or more, and (C) any project for the overhaul of rail rolling stock (whether or not such overhaul increases the useful life of the rolling stock)".

Ante, p. 226.

(b) EXPANSION OF ASSOCIATED CAPITAL MAINTENANCE ITEMS.—Section 9(j) of the Urban Mass Transportation Act of 1964 is amended—

(1) in the last sentence, by striking out "and materials" and inserting in lieu thereof ", tires, tubes, and materials";

(2) in the last sentence, by striking out "1 per centum" and inserting in lieu thereof "½ of 1 percent";

(3) by inserting "(1)" before "Grants"; and

(4) by adding at the end thereof the following:

Grants.
Contracts.

"(2) A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than ½ of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.".

(c) FEDERAL SHARE.—The first sentence of section 9(k)(1) of such Act is amended by striking out "shall not exceed" the first place it appears and inserting in lieu thereof "shall be".

(d) LOCAL MATCH.—The first sentence of section 9(k)(1) of such Act is further amended by striking out "such project" and inserting in lieu thereof "such project; however, a recipient is permitted to provide additional local match at its option".

(e) MAINTENANCE REQUIREMENT.—Section 3(a)(2)(A) of such Act is amended to read as follows:

49 USC app. 1602. Grants. Loans.

"(2)(A) No grant or loan shall be provided under this section unless the Secretary determines that the applicant—

"(i) has or will have the legal, financial, and technical capacity to carry out the proposed project;

"(ii) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment; and

"(iii) has or will have sufficient capability to maintain the facilities and equipment, and will maintain, such facilities and equipment.".

(f) CONFORMING AMENDMENT.—The first sentence of section 9(k)(1) of such Act is further amended by striking out "(including capital maintenance items)" and inserting in lieu thereof "(including any project for the acquisition or construction of an associated capital maintenance item)".

SEC. 310. LONG-TERM FINANCIAL PLANNING.

Section 8(a) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end of the third sentence the following: "and development of long-term financial plans for regional urban mass transit improvements and the revenue available from current and potential sources to implement such improvements".

49 USC app. 1607.

101 STAT. 228

SEC. 311. USE OF LAPSED SECTION 9A AND SECTION 9 FUNDS.

Section 9(o) of the Urban Mass Transportation Act of 1964 is amended by striking out the period at the end of the second sentence and inserting "not later than 30 days after the end of such period.".

49 USC 1607a.

SEC. 312. BLOCK GRANT PROGRAM AMENDMENTS.

(a) FUNDING OF PARTIAL PROGRAMS OF PROJECTS.—Section 9(e)(2) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new sentence: "A grant may be made under this section to carry out, in whole or in part, a program of projects.".

(b) TRANSIT ADVERTISING REVENUES.—

(1) EXCLUSION FROM OPERATING REVENUES.—Section 9(k)(1) of such Act is amended by inserting after the third sentence the following new sentence: "For purposes of the preceding sentence, 'revenues from the operation of a public mass transportation system' shall not include the amount of any revenues derived by such system from the sale of advertising and concessions which is in excess of the amount of such revenues derived by such system from the sale of advertising and concessions in fiscal year 1985.".

(2) ANNUAL REPORT.—Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) Each recipient (including any person receiving funds from a Governor under this section) shall submit to the Secretary annually a report on the revenues such recipient derives from the sale of advertising and concessions.".

(c) OPERATING ASSISTANCE LIMITATION FOR SMALL URBANIZED AREAS.—Section 9(k)(2) of such Act is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding the preceding sentence, an urbanized area that first became an urbanized area under the 1980 census or thereafter may use each fiscal year for operating assistance not to exceed an amount equal to ⅔ of its apportionment during the first full year it received funds under this section."; and

(3) by adding at the end thereof the following:

"(B) Beginning on October 1, 1988, the amount of funds apportioned under this section that may be used for operating assistance

by urbanized areas of less than 200,000 population shall be increased on October 1 of each year by an amount determined by multiplying the amount applicable to each such urbanized area as determined under subparagraph (A) (excluding any increases under this subparagraph) by the percentage of the increase (if any) in the Consumer Price Index during the most recent calendar year. The amount of funds apportioned under this section that each urbanized area of less than 200,000 population that was a recipient of funds under this section during fiscal year 1987 may use for operating assistance shall be increased by 32.2 percent on October 1, 1987. The increases provided for by this subparagraph shall be cumulative.

"(C) As used in subparagraph (B), the term 'Consumer Price Index' means the Consumer Price Index for all-urban consumers published by the Department of Labor.".

101 STAT. 229

(d) TRANSFERS OF APPORTIONMENTS.—Section 9(n)(1) of such Act is amended—

49 USC app. 1607a.

(1) by striking out "with populations of three hundred thousand or less" in the first sentence; and

(2) by inserting after the third sentence the following: "Any amounts of a State's apportionment that remain available for obligation at the beginning of the 90-day period before the expiration of the period of availability of such amounts shall be available to the Governor for use throughout the State.".

(e) DATE OF APPORTIONMENT.—Section 9 of such Act is further amended by adding at the end thereof the following new subsection:

Ante, p. 225.

"(q) DATE OF APPORTIONMENT.—The Secretary shall apportion funds appropriated to carry out this section for any fiscal year in accordance with the provisions of this section not later than the 10th day following the date on which such funds are appropriated or October 1 of such fiscal year, whichever is later. The Secretary shall publish apportionments of such appropriated funds, including amounts attributable to each urbanized area above 50,000 population as well as the amount attributable to each State of the multistate urbanized area, on the apportionment date established by the preceding sentence.".

(f) TECHNICAL AMENDMENTS.—(1) Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

Ante, p. 228.

Grants.

"(5) No grant shall be made under this section to any recipient in any fiscal year unless the Secretary has accepted a certification for such fiscal year submitted by such person pursuant to this subsection.".

(2) Section 9(g) of such Act is amended by striking out paragraph (4).

(3) Section 9(l) of such Act is repealed.

SEC. 313. SECTION 9B PROGRAM.

The Urban Mass Transportation Act of 1964 is amended by inserting after section 9A the following:

49 USC app. 1607a-1.

"MASS TRANSIT ACCOUNT BLOCK GRANTS

49 USC app. 1607a-2.
49 USC app. 1617.

"SEC. 9B. (a) APPORTIONMENT AND ADMINISTRATION.—The amount made available by subsections (b) and (c) of section 21 of this Act to carry out this section shall be made available in accordance with the provisions of subsections (a) through (j), (m), and (n) of section 9 of this Act.

Ante, p. 226.

"(b) AVAILABILITY FOR CONSTRUCTION PROJECTS.—Grants under this section shall be available only for the purpose of construction projects (including capital maintenance items) and shall be subject to the limitations contained in section 9(k) of this Act applicable to such projects.

"(c) USE OF UNOBLIGATED AMOUNTS.—Sums apportioned under

this section shall be available for obligation by the recipient for a period of 3 years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be added to the amount available for apportionment under this section for the succeeding fiscal year not later than 30 days after the end of such period.". 101 STAT. 230

SEC. 314. UNIVERSITY TRANSPORTATION CENTERS.

(a) GRANT PROGRAM; NATIONAL ADVISORY COUNCIL.—Section 11(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows: 49 USC app. 1607c.

"(b) UNIVERSITY TRANSPORTATION CENTERS.—

"(1) GRANTS FOR ESTABLISHMENT AND OPERATION.—In addition to grants authorized by subsection (a) of this section, the Secretary shall make grants to one or more nonprofit institutions of higher learning to establish and operate one regional transportation center in each of the ten Federal regions which comprise the Standard Federal Regional Boundary System.

"(2) RESPONSIBILITIES.—The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the conduct of infrastructure research concerning transportation and research and training concerning transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research. The responsibilities of one of such centers may include research on the testing of new model buses. The program of research at all research centers should cover more than one mode of transportation, and should take into consideration the proportion of funding for this subsection from funding available to carry out urban mass transportation projects under this Act and from the Highway Trust Fund.

"(3) APPLICATION.—Any nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

"(4) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The regional transportation center shall be located in a State which is representative of the needs of the Federal region for improved transportation services and facilities.

"(B) The demonstrated research and extension resources available to the grant recipient for carrying out this subsection.

"(C) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate transportation problems.

"(D) The grant recipient shall have an established transportation program or programs encompassing several modes of transportation.

"(E) The grant recipient shall have a demonstrated commitment to supporting ongoing transportation research programs with regularly budgeted institutional funds of at least $200,000 per year.

"(F) The grant recipient shall have a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing education program.

"(G) The projects which the grant recipient proposes to carry out under the grant.

101 STAT. 231

"(5) MAINTENANCE OF EFFORT.—No grant may be made under this section in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional transportation center and related research activities at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this subsection.

"(6) FEDERAL SHARE.—The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional transportation center and related research activities carried out by the grant recipient.

"(7) NATIONAL ADVISORY COUNCIL.—

"(A) ESTABLISHMENT; FUNCTIONS.—The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

"(B) MEMBERS.—The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

"(i) Six officers of the Department of Transportation one of whom represents the Office of the Secretary, one of whom represents the Federal Highway Administration, one of whom represents the Urban Mass Transportation Administration, one of whom represents the National Highway Traffic Safety Administration, one of whom represents the Research and Special Programs Administration, and one of whom represents the Federal Railroad Administration.

"(ii) Five representatives of State and local governments.

"(iii) Eight representatives of the transportation industry, including private providers of public transportation services, and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

"(C) TERM OF OFFICE; PAY; CHAIRMAN.—Each of the members appointed by the Secretary shall serve without pay. The chairman of the council shall be designated by the Secretary.

"(D) MEETINGS.—The council shall meet at least annually and at such other times as the chairman may designate.

"(E) AGENCY INFORMATION.—Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the chairman of the council, the head of such department or agency shall furnish such information to the council.

5 USC 551 *et seq.*

101 STAT. 232

"(F) TERMINATION DATE INAPPLICABLE.—Section 14 of the Federal Advisory Committee Act shall not apply to the council.

5 USC app.

"(8) ADMINISTRATION THROUGH OFFICE OF SECRETARY.—Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.

"(9) ALLOCATION OF FUNDS.—The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.

"(10) TECHNOLOGY TRANSFER SET-ASIDE.—Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.".

(b) CONFORMING AMENDMENT.—Section 11(a) of such Act is amended by inserting "GRANT PROGRAM.—" before "The Secretary". 49 USC app. 1607c.

SEC. 315. SOLE SOURCE PROCUREMENTS.

(a) GENERAL RULE.—Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph: 49 USC app. 1608.

"(3) SOLE SOURCE PROCUREMENT CONTRACTS.—Any recipient of a grant under section 9 of this Act who is procuring an associated capital maintenance item under section 9(j) of this Act may, without receiving prior approval of the Secretary, contract directly with the original manufacturer or supplier of the item to be replaced if such recipient first certifies in writing to the Secretary— 49 USC app. 1607a. *Ante*, p. 227.

"(A) that such manufacturer or supplier is the only source for such item; and

"(B) that the price of such item is no higher than the price paid for such item by like customers.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by inserting "CONTRACT REQUIREMENTS.—" before "(1) All contracts";

(2) by inserting "NONCOMPETITIVE BID CONTRACTS.—" before "All contracts";

(3) by inserting "ROLLING STOCK ACQUISITION CONTRACTS.—" before "In lieu of"; and

(4) by indenting paragraph (1) and aligning paragraphs (1) and (2) with paragraph (3), as added by subsection (a) of this section.

SEC. 316. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph: *Supra.* Grants. Loans.

"(4) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirement. This paragraph shall apply except to the extent any State adopts or has adopted by statute a formal procedure for the procurement of such services.". 40 USC 471 note.

101 STAT. 233

SEC. 317. BUS TESTING.

(a) REQUIREMENT.—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection: 49 USC app. 1608.

"(h) BUS TESTING.—

"(1) REQUIREMENT.—No funds appropriated or made available pursuant to this Act after September 30, 1989, may be obligated or expended for the acquisition of a new bus model unless a bus of such model has been tested at a facility established under section 317(b) of the Federal Mass Transportation Act of 1987.

"(2) NEW BUS MODEL DEFINED.—As used in this subsection, the term 'new bus model' means a bus model which has not been used in mass transportation service in the United States before the date of production of such model or a bus model which has been used in such service but which is being produced with a major change in configuration or components.".

49 USC app. 1608 note.

(b) BUS TESTING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a facility for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such facility shall be established by renovation of a facility constructed with Federal assistance for the purpose of training rail personnel.

Contracts.

(2) OPERATION.—The Secretary shall enter into a contract with a qualified person to operate and maintain the facility established under paragraph (1) for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such contract may provide for the testing of rail cars and other vehicles at such facility.

(3) COLLECTION OF FEES.—Under the contract entered into under paragraph (2), the person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. Such fees shall be subject to the approval of the Secretary.

(4) NEW BUS MODEL DEFINED.—For purposes of this subsection, the term "new bus model" has the meaning such term has under section 12(h)(2) of the Urban Mass Transportation Act of 1964.

Supra.

(5) FUNDING.—There shall be available to the Secretary out of the Mass Transit Account of the Highway Trust Fund for establishment of the facility under paragraph (1) $200,000 for fiscal year 1987 and $3,000,000 for fiscal year 1988. Funds made available by this paragraph shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 318. RULEMAKING.

(a) IN GENERAL.—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

Supra.

"(i) RULEMAKING PROCEDURES.—

"(1) PROCEDURES.—The Secretary shall prepare an agenda listing all areas in which the Secretary intends to propose rules governing activities under this Act within the following 12-month period. The Secretary shall publish the proposed agenda in the Federal Register as part of the Secretary's semi-annual rulemaking agenda which lists rulemaking activities of the Urban Mass Transportation Administration. The Secretary shall also transmit the agenda required by the first sentence of this paragraph to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate on the day that the Secretary's semi-annual rulemaking agenda is published in the Federal Register.

Federal Register, publication.

101 STAT. 234

"(2) VIEWS.—Except for emergency rules, the Secretary shall give interested parties not less than 60 days to participate in any rulemaking under this Act through submission of written data views, or arguments with or without the opportunity for oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary due to the routine nature or matter of insignificant impact of the rule, or that an emergency rule should be promulgated. The Secretary may extend the 60-day period if the Secretary determines that such period is insufficient to permit diligent persons to prepare comments or that other circumstances justify an extension of such period. An emergency rule shall terminate 120 days after the date on which it is promulgated.".

49 USC app. 1608.

(b) DEFINITIONS.—Section 12(c) of such Act is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(12) the term 'rule' means the whole or part of the Secretary's statement of general or particular applicability designed to implement, interpret, or prescribe law or policy in carrying out provisions of this Act; and

"(13) the term 'emergency rule' means a rule which is temporarily effective prior to the expiration of the otherwise specified periods of time for public notice and comment under this section and which was promulgated by the Secretary pursuant to a finding that a delay in the effective date thereof would (A) seriously injure an important public interest, (B) substantially frustrate legislative policy and intent, or (C) seriously damage a person or class of persons without serving any important public interest.".

SEC. 319. PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.

Section 12 of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new subsection: *Ante*, p. 233.

"(j) PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.—For the purpose of assuring compliance with Federal motor vehicle safety requirements, the requirements of section 165 of the Surface Transportation Assistance Act of 1982 (relating to purchases of American products), and bid specifications requirements of recipients of grants under this Act, the Secretary shall issue regulations requiring a preaward and postdelivery audit with respect to any grant under this Act for the purchase of buses and other rolling stock. For the purposes of such audit, manufacturer certification shall not be sufficient, and independent inspections and auditing shall be required.". Regulations. Grants. 23 USC 101 note.

101 STAT. 235

SEC. 320. REMOVAL OF LIMITATION ON THE SOURCE OF FUNDING FOR INNOVATIVE MANAGEMENT GRANTS.

Section 4(i) of the Urban Mass Transportation Act of 1964 is amended by striking out ", using sums available pursuant to section 4(c)(3)(A) of this section,". 49 USC app. 1603.

SEC. 321. FEDERAL SHARE FOR ELDERLY AND HANDICAPPED PROJECTS.

Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection: 49 USC app. 1612.

"(e) INCREASED FEDERAL SHARE OF CERTAIN NONREQUIRED PROJECTS.—Notwithstanding any other provision of this Act, the Federal share under sections 3, 9, and 18 of this Act for each capital improvement project which enhances the accessibility for elderly and handicapped persons to public transportation service and which is not required by Federal law (including any other provision of this Act) shall be 95 percent of the net project cost of such project.". 49 USC app. 1602, 1607a, 1614

SEC. 322. RURAL TRANSPORTATION EQUITY.

Section 18(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "A State administering a program of operating assistance under this section may not limit the level or extent of use of the Federal share for the payment of operating expenses except as provided in this section.". 49 USC app. 1614.

SEC. 323. RURAL TRANSIT ASSISTANCE PROGRAM.

Section 18 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"(h) RURAL TRANSIT ASSISTANCE PROGRAM.—The Secretary shall establish and carry out a rural transit assistance program in nonurbanized areas. In carrying out this subsection, the Secretary is authorized to make grants and to enter into direct contracts for transit research, technical assistance, training, and related support services in nonurbanized areas.". Grants. Contracts.

SEC. 324. PROJECT MANAGEMENT OVERSIGHT.

(a) IN GENERAL.—The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

49 USC app. 1601 note.

"PROJECT MANAGEMENT OVERSIGHT

Contracts. 49 USC app. 1619.

"SEC. 23. (a) AUTHORITY TO USE FUNDS.—Beginning October 1, 1987, the Secretary may use not to exceed ½ of 1 percent of—

49 USC app. 1617.

"(1) the funds made available for any fiscal year by section 21(a)(2)(C) to carry out section 3 to contract with any person to oversee the construction of any major project under section 3;

"(2) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 9 to contract with any person to oversee the construction of any major project under section 9;

"(3) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 18 to contract with any person to oversee the construction of any major project under section 18;

49 USC app. 1603.

"(4) the funds appropriated for any fiscal year pursuant to section 4(g) to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code; and

101 STAT. 236

93 Stat. 1320.

"(5) the funds appropriated for any fiscal year pursuant to section 14(b) of the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under such Act.

"(b) FEDERAL SHARE.—Any contract entered into under this subsection shall provide for the payment by the Secretary of 100 percent of the cost of carrying out the contract.

"(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this Act or section 14(b) of the National Capital Transportation Act of 1969 shall provide the Secretary and a contractor chosen by the Secretary in accordance with subsection (a) such access to its construction sites and records as may be reasonably required.

"(d) REQUIREMENT FOR PLAN.—As a condition of Federal financial assistance for a major capital project under this Act or the National Capital Transportation Act of 1969, the Secretary shall require the recipient to prepare, and, after approval by the Secretary, implement a project management plan which meets the requirements of subsection (e).

83 Stat. 320.

"(e) CONTENTS OF PLAN.—A project management plan shall, as required in each case by the Secretary, provide for—

"(1) adequate recipient staff organization complete with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and such miscellaneous payments as the recipient may be prepared to justify;

"(3) a construction schedule;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure which includes a documented, systematic approach to the handling of construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction and for system installation and integration of system components;

"(8) materials testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially with respect to such items as project budget and project schedule, financing, ridership estimates, and where applicable, the status of local efforts to enhance ridership in cases where ridership estimates are contingent, in part, upon the success of such efforts; and

"(12) the recipient's commitment to make monthly submissions of project budget and project schedule to the Secretary.

"(f) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to implement the provisions of this section. Such regulations shall be published in proposed form for comment in the Federal Register and shall be submitted for review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 60 days after the date of enactment of this section, and shall be promulgated in final form not later than 180 days after the date of enactment of this section. Such regulations shall, at a minimum, include the following:

Federal Register, publication.

101 STAT. 237

"(1) A definition of the term 'major capital project' for the purpose of subsection (a). Such definition shall exclude projects for the acquisition of vehicles or other rolling stock, or for the performance of vehicle maintenance or rehabilitation.

"(2) A requirement that, in order to maximize the transportation benefits and cost savings associated with project management oversight, such oversight shall begin during the preliminary engineering stage of a project. The requirement of this paragraph shall not apply if the Secretary finds that it is more appropriate to initiate such oversight during another stage of the project.

"(g) APPROVAL.—The Secretary shall approve a plan submitted pursuant to subsection (d) within 60 days following its submittal. In the event that approval cannot be completed within 60 days, the Secretary shall notify the recipient that approval cannot be completed within 60 days, explain the reasons for the delay, and estimate how much additional time will be required for completion. If a plan is disapproved, the Secretary shall inform the recipient of the reasons.".

SEC. 325. CRIME PREVENTION AND SECURITY.

The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

Ante, p. 235.

"CRIME PREVENTION AND SECURITY

"SEC. 24. From funds made available pursuant to section 21 of this Act, the Secretary is authorized to make capital grants to public mass transit systems for crime prevention and security. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.".

Grants.
49 USC app. 1620.
Post, p. 238.

SEC. 326. BICYCLE FACILITIES.

The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"BICYCLE FACILITIES

"SEC. 25. (a) ELIGIBILITY.—For purposes of this Act, a project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be deemed to be a construction project eligible for assistance under sections 3, 9, and 18 of this Act.

49 USC app. 1621.

49 USC app. 1602, 1607a, 1614.

49 USC app. 1603.

"(b) FEDERAL SHARE.—Notwithstanding sections 4(a), 9(k), and 18(e), the Federal share under this Act for any project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be 90 percent of the cost of such project.".

101 STAT. 238

SEC. 327. TRANSIT TECHNICAL AMENDMENTS.

49 USC app. 1604.

(a) URBAN MASS TRANSPORTATION ACT.—(1) Section 5(h)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out "approach" and inserting in lieu thereof "approval".

(2) Section 5(j)(1) of such Act is amended by striking out "action" and inserting in lieu thereof "section".

(3) Section 5(n)(2) of such Act is amended by inserting "and section 9" after "this section".

49 USC app. 1612.

(4) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

49 USC app. 1613.

(5) Section 17(d)(4) of such Act is amended by striking out "; and".

49 USC app. 1607a, 1607a-1.

(b) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 303 of the Surface Transportation Assistance Act of 1982 is amended by striking out "(a)" the first place it appears.

SEC. 328. AUTHORIZATIONS.

49 USC app. 1617.

Section 21 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"AUTHORIZATIONS

"SEC. 21. (a) SECTIONS 9 AND 18.—(1) There are hereby authorized to be appropriated to carry out the provisions of sections 9 and 18 of this Act not to exceed $2,000,000,000 for fiscal year 1987, and not to exceed $2,100,000,000 for each of fiscal years 1988 through 1991. Any funds so appropriated shall remain available until expended.

49 USC app. 1607a, 1614.

"(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act $1,097,000,000 for the fiscal year 1987, and $1,000,000,000 for each of fiscal years 1988 through 1991, to remain available until expended.

49 USC app. 1602; *ante*, p. 235; 49 USC app. 1607, 1612.

"(b) SECTIONS 3 AND 9B.—In addition to the amounts set forth in subsection (a)(2), to carry out sections 3 and 9B of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund for each of fiscal years 1988 through 1991—

Ante, p. 229.

"(1) $200,000,000 for fiscal year 1988;
"(2) $250,000,000 for fiscal year 1989;
"(3) $300,000,000 for fiscal year 1990; and
"(4) $400,000,000 for fiscal year 1991;

to remain available until expended.

Grants.

"(c) TREATMENT OF CERTAIN SECTION 3 AND SECTION 9B FUNDS.—(1) Of the amounts made available by subsection (b), 50 percent shall be available for capital grants under section 3, and 50 percent shall be available for grants under section 9B. If an obligation ceiling in effect for any fiscal year is less than the sum of the new budget authority authorized by subsections (a)(2) and (b), the ceiling shall first be applied to the budget authority provided by subsection (b).

"(2) Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under subsections (a)(2) and (b) of this section shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

"(d) INTERSTATE TRANSFER.—For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated $200,000,000 for each of fiscal years 1987 through 1991.

"(e) RURAL PROGRAM.—For each of fiscal years 1987 through 1991, 2.93 percent of the aggregate funds made available for sections 9 and 18 and section 9B under subsections (a)(1) and (b) of this section shall be available to carry out section 18. All amounts made available for section 18 shall be from funds appropriated under subsection (a). 101 STAT. 239

49 USC app. 1607a.

"(f) PLANNING.—From the funds made available under subsection (a)(2) of this section, not to exceed $45,000,000 shall be available for the purposes of section 8 in each of fiscal years 1987 through 1991. Nothing herein shall prevent the use of additional funds available under this subsection for planning purposes.

49 USC app. 1607.

"(g) SECTIONS 4(i) AND 16(b).—(1) From the funds made available under subsection (a)(2) of this section, not to exceed $35,000,000 shall be available for the purposes of sections 4(i) and 16(b) in each of fiscal years 1988 through 1991.

Ante, p. 235; 49 USC app. 1612.

"(2) From the funds provided for section 4(i) for fiscal year 1987, $5,000,000 shall be available to carry out section 18(h).

"(h) SECTIONS 6, 10, 11(a), 12(a), 18(h), AND 20.—There are hereby authorized to be appropriated to carry out sections 6, 10, 11(a), 12(a), 18(h), and 20 of this Act—

49 USC app. 1605, 1607b, 1607c, 1608, 1616.

"(1) not to exceed such sums as may be appropriated for fiscal year 1987; and

"(2) not to exceed $50,000,000 for each of fiscal years 1988 through 1991, of which 10 percent shall be available only for section 18(h).

Any funds appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

"(i) SECTION 11(b).—(1) From the funds made available under subsection (a)(2), $5,000,000 shall be available for the purposes of section 11(b) for each of fiscal years 1988 through 1991.

"(2) From the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 shall be available for the purposes of section 11(b) for each of the fiscal years 1988 through 1991.".

SEC. 329. INCREASED OPERATING ASSISTANCE DURING CONSTRUCTION OF INTERSTATE PROJECT.

Florida. Urban areas. Railroads. 49 USC app. 1607a.

Upon request of the State of Florida and the designated recipients under section 9 of the Urban Mass Transportation Act of 1964 for the urbanized areas of Fort Lauderdale and Miami, Florida, the amount of funds apportioned after September 30, 1987, under such section with respect to such urbanized areas which may otherwise be used for operating assistance under such section shall be increased by $4,400,000 for each fiscal year in which major onsite construction is being carried out on a 40-mile segment of Interstate Route I-95 in Dade, Broward, and Palm Beach Counties, Florida. The increased operating assistance may only be used for commuter rail service provided as a maintenance-of-traffic measure during the period in which the construction is being carried out.

SEC. 330. BUS SERVICE DETERIORATION.

Rural areas.

The Congress finds and declares that there has been a serious problem involving the deterioration of bus service for people residing in the small communities and rural areas of the several States, and recognizes the need to consider the best ways and means to remedy such problem. 101 STAT. 240

SEC. 331. BART STUDY.

(a) STUDY.—The Secretary, in cooperation with the San Francisco Bay Area Rapid Transit District and the Metropolitan Transportation Commission, shall undertake a comprehensive study of the future of the Bay Area Rapid Transit System. The study shall focus on the development of financing alternatives for the first phase rail extensions identified in the Regional Transportation Plan.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study described in subsection (a).

SEC. 332. TACTILE MOBILITY AIDS.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of developing and implementing standards for the use, in transportation facilities and equipment constructed or acquired with assistance under the Urban Mass Transportation Act of 1964, title 23, United States Code, or other laws administered by the Department of Transportation, of tactile mobility aids in order to facilitate the safe access to and use of such facilities and equipment by visually impaired and legally blind persons.

49 USC app. 1601 note.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit a report to the Congress on the results of such study, including such recommendations for legislation as may be necessary to implement such standards.

SEC. 333. FEASIBILITY STUDY OF ELECTRIC BUS LINE.

Section 314(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

96 Stat. 2153.

Grants.
California.

"SEC. 314. (a) Upon request of a local public body eligible to receive a grant under the Urban Mass Transportation Act of 1964, the Secretary of Transportation shall make a grant to such public body to conduct a feasibility study to examine the possibility of constructing and operating an electric bus line with the advanced and environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system.".

SEC. 334. FEASIBILITY STUDY OF ABANDONED TROLLEY SERVICE.

Pennsylvania.

(a) STUDY.—The Secretary, in cooperation with the city of Philadelphia, Pennsylvania, shall conduct a study of the feasibility of restoring trolley service to corridors on which trolley service has been abandoned in such city.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 335. COMPREHENSIVE TRANSIT PLAN FOR THE VIRGIN ISLANDS.

(a) STUDY.—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall study and analyze the mass transportation needs of the Virgin Islands for the purpose of developing a comprehensive mass transportation plan for the Virgin Islands.

(b) REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study and analysis conducted under subsection (a) together with a copy of the mass transportation plan which the Secretary recommends for the Virgin Islands.

101 STAT. 241

SEC. 336. TRANSFER OF SECTION 9 FUNDS.

Nevada.
Urban areas.
California.

The Governor of Nevada, after consultation with all urbanized areas within Nevada, may transfer not to exceed $10,000,000 of unused apportionments under sections 9A and 9 of the Urban Mass Transportation Act of 1964 for use for urban mass transportation purposes in Santa Clara County, California.

49 USC app. 1607a–1, 1607a.

SEC. 337. BUY AMERICA.

23 USC 101 note.

(a) PERCENTAGE COST LIMITATION.—(1)(A) Effective October 1, 1989, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out "50" and inserting in lieu thereof "55".

(B) Effective October 1, 1991, section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out "55" and inserting in lieu thereof "60".

(2)(A) Except as provided in subparagraph (B), the amendments made by subparagraphs (A) and (B) of paragraph (1) shall apply only to contracts entered into on or after their respective effective dates. Contracts. 23 USC 101 note.

(B) The amendments made by paragraph (1) shall not apply with respect to any supplier or contractor or any successor in interest or assignee which qualified under the provisions of section 165(b)(3) of the Surface Transportation Assistance Act of 1982 prior to the date of enactment of this Act under a contract entered into prior to April 1, 1992.

(b) SUBCOMPONENTS.—Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by inserting "and subcomponents" after "components".

(c) INCREASE IN PROJECT COST EXCEPTION.—Paragraph (4) of section 165(b) of the Surface Transportation Assistance Act of 1982 is amended by striking out "10 per centum" and all that follows through the period at the end of such section and inserting in lieu thereof "25 percent.".

(d) EXEMPTION TO SUBSECTIONS (b) AND (c).—The amendments made by subsections (b) and (c) of this section shall not apply to any contract awarded pursuant to bids which were outstanding on the date of enactment of this Act. Contracts. 23 USC 101 note.

SEC. 338. MULTI-YEAR CONTRACT FOR METRO RAIL PROJECT.

(a) SUPPLEMENTAL EIS.—Not later than 10 days after the date of the enactment of this Act and in accordance with the National Environmental Policy Act of 1969, the Secretary shall begin the preparation of a supplemental environmental impact statement necessary as a result of alignment changes within the Minimum Operable Segment-2 portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project. The Secretary shall publish a notice of the completion of the final supplemental environmental impact statement in the Federal Register. If the Secretary has not published such notice within 5 months after the date of the enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the status of the completion of such final supplemental environmental impact statement. The Secretary shall continue to report to those committees every 30 days on the status of the completion of the final supplemental environmental impact statement, including any proposed revisions to the statement, until a notice of the completion of such statement is published in the Federal Register. California. Environmental protection. 42 USC 4321 note. Federal Register, publication. Report. Federal Register, publication. 101 STAT. 242

(b) AMENDMENT TO EXISTING CONTRACT.—Notwithstanding any other provision of law, not later than 30 days after the publication of a notice of completion of a final supplemental environmental impact statement under subsection (a), the Secretary shall—

(1) issue a record of decision which approves the construction of the locally preferred Minimum Operable Segment-2 alternative, and

(2) execute an amendment to the existing full-funding contract under section 3 of the Urban Mass Transportation Act of 1964 with the Southern California Rapid Transit District (or its successor) for the construction of Minimum Operable Segment-1 of such project, in order to include the construction of such Minimum Operable Segment-2 alternative in such contract. 49 USC app. 1602.

(c) PAYMENT OF FEDERAL SHARE.—

(1) FEDERAL SHARE.—The amended contract under subsection (b) shall provide that the Federal share of the cost of construction of the Minimum Operable Segment-1 portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project shall be $605,300,000 and that the Federal share of the cost of construction of the Minimum Operable Segment-2 portion of such project shall be $667,000,000.

(2) PAYMENT.—The amended contract under subsection (b) shall provide that the Federal share of the cost of such project shall be paid by the Secretary from amounts provided under section 3 of the Urban Mass Transportation Act of 1964 for construction of new fixed guideway systems and extensions to fixed guideway systems, as follows:

(A) not to exceed $107,900,000 for fiscal year 1987;

(B) not to exceed $300,000,000 for fiscal years 1987 and 1988;

(C) not to exceed $490,000,000 for fiscal years 1987, 1988, and 1989;

(D) not to exceed $680,000,000 for fiscal years 1987, 1988, 1989 and 1990; and

(E) not to exceed $870,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(d) ADVANCE CONSTRUCTION.—

(1) UNDER THE CONTRACT.—The amended contract under subsection (b) shall provide that the Southern California Rapid Transit District (or successor) may construct any portion of the Downtown Los Angeles to San Fernando Valley Metro Rail Project in accordance with section 3(l) of the Urban Mass Transportation Act of 1964, except that such district (or successor) shall not be required to apply to and receive approval of the Secretary before carrying out any such construction.

Ante, p. 224.

(2) ON MOS-1 BEFORE EXECUTION OF CONTRACT.—At any time after the date of the enactment of this section, the Southern California Rapid Transit District (or successor) may construct any portion of the Minimum Operable Segment-1 portion of such project in accordance with section 3(l) of the Urban Mass Transportation Act of 1964, except that such district (or successor) shall not be required to apply to and receive approval of the Secretary before carrying out any such construction.

Securities.

(3) REIMBURSEMENT SCHEDULE.—The amended contract under subsection (b) shall provide that the Secretary shall reimburse the Southern California Rapid Transit District (or successor), from any amounts provided under section 3 of the Urban Mass Transportation Act of 1964 for fiscal years 1992 through 1994, for the Federal share of the net project costs incurred by such district (or successor) under paragraphs (1) and (2) (including the amount of any interest earned and payable on bonds as provided in section 3(l)(2) of the Urban Mass Transportation Act of 1964), as follows:

101 STAT. 243

49 USC app. 1602.

(A) not later than September 30, 1992, the Secretary shall reimburse such district (or successor) a total of $467,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1990;

(B) not later than September 30, 1993, the Secretary shall reimburse such district (or successor) a total of $622,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1991; and

(C) not later than September 30, 1994, the Secretary shall reimburse such district (or successor) a total of $762,100,000 (plus such interest), less amounts provided under subsection (c)(2) for fiscal years 1988 through 1991.

(4) DELAYS IN PUBLICATION OF NOTICE OF SUPPLEMENTAL EIS.—If the Secretary does not publish a notice of the completion of the final supplemental environmental impact statement in the Federal Register under subsection (a) on or before September 30, 1988, each date or year listed in paragraph (3) of this subsection shall be delayed one year. For each full year after such date in which such notice is not published, each such date or year shall be delayed one more year.

Federal Register, publication.

SEC. 339. BUS CARRIER CERTIFICATES FOR RECIPIENTS OF GOVERNMENTAL ASSISTANCE.

(a) GENERAL RULE FOR NEW ENTRANTS.—Section 10922(c)(1) of title 49, United States Code, is amended to read as follows:

"(c) MOTOR COMMON CARRIERS OF PASSENGERS.—

"(1) INTERSTATE TRANSPORTATION.—

"(A) REGULAR-ROUTE TRANSPORTATION.—The Commission shall issue a certificate to a person (including any private recipient of governmental assistance) authorizing that person to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

49 USC 10521 *et seq.*

"(B) SPECIAL AND CHARTER TRANSPORTATION.—

"(i) PRIVATE RECIPIENTS OF ASSISTANCE.—The Commission shall issue a certificate to a private recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

101 STAT. 244

"(ii) OTHER PERSONS.—The Commission shall issue a certificate to a person (other than a private recipient of governmental assistance) authorizing that person to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission.

49 USC 10521 *et seq.*

"(C) PUBLIC RECIPIENTS FOR CHARTER TRANSPORTATION.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that—

"(i) the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission; and

"(ii)(I) no motor common carrier of passengers (other than a motor common carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

"(II) the transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

"(D) PUBLIC RECIPIENTS FOR REGULAR-ROUTE TRANSPORTATION.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(E) TREATMENT OF CERTAIN PUBLIC RECIPIENTS.—Subject to provisions of section 12(f) of the Urban Mass Transportation Act of 1964, any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall, for purposes of this subtitle, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

49 USC app. 1608

101 STAT. 245

"(F) DEFINITIONS.—In this subsection—

"(i) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term 'public recipient of governmental assistance' means—

"(I) any State,

"(II) any municipality or other political subdivision of a State,

"(III) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

"(IV) any Indian tribe,

"(V) any corporation, board, or other person owned or controlled by any entity described in subclause (I), (II), (III), or (IV), and

"(VI) any corporation, board, or other person owned by, controlled by, or under common control with, any entity described in subclause (I), (II), (III), (IV), or (V),

which before, on, or after the date of the enactment of this paragraph received governmental financial assistance for the purchase or operation of any bus.

"(ii) PRIVATE RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term 'private recipient of governmental assistance' means any person (other than a person described in clause (i)) who before, on, or after the date of the enactment of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.".

(b) PUBLIC INTEREST FINDING.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by adding at the end thereof the following:

"(E) the amount and extent of governmental financial assistance which the applicant for the certificate received before, on, or after the date of the enactment of this subparagraph for the purchase or operation of buses.

In addition, in making any finding relating to public interest under paragraph (1)(D) of this subsection, the Commission shall consider whether or not the person objecting to issuance of the certificate is a motor common carrier of passengers which is providing, or is willing and able to provide, the transportation to be authorized by the certificate.".

(c) CONFORMING AMENDMENT.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out "(1)(A)" and inserting in lieu thereof "(1)".

SEC. 340. UTILIZATION REQUIREMENT FOR CERTIFICATES AUTHORIZING INTRASTATE BUS OPERATIONS.

(a) GENERAL RULE.—Section 10922(c)(2) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(J) LIMITATION ON INTRASTATE CERTIFICATES.—Each certificate issued under this paragraph to provide intrastate transportation of passengers on any route shall be subject to a condition which limits the authority of the carrier to provide intrastate transportation service under the certificate only if the carrier provides regularly scheduled interstate transportation service on the route.". 101 STAT. 246

(b) RETROACTIVE APPLICABILITY.—The amendment made by subsection (a) shall apply to any certificate issued under section 10922(c)(2) of title 49, United States Code, before, on, or after the date of the enactment of this Act. 49 USC 10922 note.

TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1987

Uniform Relocation Act Amendments of 1987.

SEC. 401. SHORT TITLE. 42 USC 4601 note.

This title may be cited as the "Uniform Relocation Act Amendments of 1987".

SEC. 402. DEFINITIONS.

(a) FEDERAL AGENCY DEFINED.—Section 101(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter in this title referred to as the "Uniform Act") (42 U.S.C. 4601(1)) is amended to read as follows:

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.".

(b) STATE AGENCY DEFINED.—Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of 2 or more States or of 2 or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.".

(c) INTEREST REDUCTION PAYMENTS AS FEDERAL FINANCIAL ASSISTANCE.—Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting ", any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual," after "insurance".

(d) DISPLACED PERSON DEFINED.—Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6)(A) The term 'displaced person' means, except as provided in subparagraph (B)—

"(i) any person who moves from real property, or moves his personal property from real property—

"(I) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

"(II) on which such person is a residential tenant or conducts a small business, a farm operation, or a business defined in section 101(7)(D), as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the head of the displacing agency determines that such displacement is permanent; and

101 STAT. 247

"(ii) solely for the purposes of sections 202 (a) and (b) and 205 of this title, any person who moves from real property, or moves his personal property from real property—

Post, pp. 249, 252.

"(I) as a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; or

"(II) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, of other real property on which such person conducts a business or a farm operation, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

"(B) The term 'displaced person' does not include—

"(i) a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act;

"(ii) in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.".

(e) COMPARABLE REPLACEMENT DWELLING, DISPLACING AGENCY, LEAD AGENCY, AND APPRAISAL DEFINED.—Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

"(10) The term 'comparable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Department of Transportation.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

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(f) CONFORMING AMENDMENT.—Section 101(7)(D) of the Uniform Act (42 U.S.C. 4601(7)(D)) is amended by striking out "(a)" after "202".

SEC. 403. CERTIFICATION.

Title I of the Uniform Act is amended by adding at the end thereof the following new section:

"CERTIFICATION

"SEC. 103. (a) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act by accepting a certification by a State agency that it will carry out such responsibility, if the head of the lead agency determines that such responsibility will be carried out in accordance with State laws which will accomplish the purpose and effect of this Act. 42 USC 4604. *Post*, pp. 254, 256.

"(b)(1) The head of the lead agency shall issue regulations to carry out this section. Regulations.

"(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose. Report.

"(3) Before making a determination regarding any State law under subsection (a) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within the State on the effects of such State law on the ability of local governments to carry out their responsibilities under this Act.

"(c)(1) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found by the Federal agency to have failed to comply with the laws described in subsection (a) of this section. Contracts.

"(2) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.".

SEC. 404. DECLARATION OF FINDINGS AND POLICY.

Section 201 of the Uniform Act (42 U.S.C 4621) is amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;

"(3) the displacement of businesses often results in their closure;

101 STAT. 249

"(4) minimizing the adverse impact of displacement is essential to maintaining the economic and social well-being of communities; and

"(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of

programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

"(c) It is the intent of Congress that—

"(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs borne by States and State agencies in providing relocation assistance;

"(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act;

"(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals; and

"(4) the policies and procedures of this Act will be administered in a manner which is consistent with fair housing requirements and which assures all persons their rights under title VIII of the Act of April 11, 1968 (Public Law 90-284), commonly known as the Civil Rights Act of 1968, and title VI of the Civil Rights Act of 1964.".

42 USC 3601
42 USC 2000d

SEC. 405. MOVING AND RELATED EXPENSES.

(a) BUSINESS REESTABLISHMENT EXPENSES.—Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

Agriculture and agricultural commodities

"(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.".

(b) ALTERNATIVE RESIDENTIAL ALLOWANCE.—Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that

101 STAT. 250

follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) ALTERNATIVE BUSINESS ALLOWANCE.—Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

Agriculture and agricultural commodities

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection.".

(d) CERTAIN UTILITY RELOCATION EXPENSES.—Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as otherwise provided by Federal law— Utilities.

"(A) if a program or project (i) which is undertaken by a displacing agency, and (ii) the purpose of which is not to relocate or reconstruct any utility facility, results in the relocation of a utility facility;

"(B) if the owner of the utility facility which is being relocated under such program or project has entered into, with the State or local government on whose property, easement, or right-of-way such facility is located, a franchise or similar agreement with respect to the use of such property, easement, or right-of-way; and

"(C) if the relocation of such facility results in such owner incurring an extraordinary cost in connection with such relocation;

the displacing agency may, in accordance with such regulations as the head of the lead agency may issue, provide to such owner a relocation payment which may not exceed the amount of such extraordinary cost (less any increase in the value of the new utility facility above the value of the old utility facility and less any salvage value derived from the old utility facility).

"(2) For purposes of this subsection, the term—

"(A) 'extraordinary cost in connection with a relocation' means any cost incurred by the owner of a utility facility in connection with relocation of such facility which is determined by the head of the displacing agency, under such regulations as the head of the lead agency shall issue—

"(i) to be a non-routine relocation expense;

"(ii) to be a cost such owner ordinarily does not include in its annual budget as an expense of operation; and

"(iii) to meet such other requirements as the lead agency may prescribe in such regulations; and

"(B) 'utility facility' means—

"(i) any electric, gas, water, steam power, or materials transmission or distribution system;

"(ii) any transportation system;

"(iii) any communications system (including cable tele vision); and 101 STAT. 251

"(iv) any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system;

located on property which is owned by a State or local government or over which a State or local government has an easement or right-of-way. A utility facility may be publicly, privately, or cooperatively owned.".

SEC. 406. REPLACEMENT HOUSING FOR HOMEOWNER.

Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in the portion of paragraph (1) preceding subparagraph (A) and inserting in lieu thereof "displacing";

(2) by striking out "$15,000" and inserting in lieu thereof "$22,500";

(3) by striking out "acquired by" and all that follows through "the additional payment." in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within 1 year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within 1 year of such date.".

42 USC 4625.

SEC. 407. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.

Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

Disadvantaged persons.

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed 42 months, a comparable replacement dwelling, but not to exceed $5,250. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

Supra.

101 STAT. 252

"(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of such negotiations.".

Ante, p. 251.

SEC. 408. RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES.

Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

"RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

Business and industry. Agriculture and agricultural commodities.

"SEC. 205. (a) Programs or projects undertaken by a Federal agency or with Federal financial assistance shall be planned in a manner that (1) recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm oper-

ations, and (2) provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

"(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations; 101 STAT. 253

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of—

"(A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974; 42 USC 5122.

"(B) a national emergency declared by the President; or

"(C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.

"(f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.". 42 USC 4601.

SEC. 409. HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT.

Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not
101 STAT. 254 available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections
Ante, p. 251. 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.

"(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.".

SEC. 410. ASSURANCES.

Section 210 of the Uniform Act (42 U.S.C. 4630) is amended by striking out "State agency" the first place it appears and inserting in lieu thereof "displacing agency (other than a Federal agency)"; by striking out "State agency" the second place it appears and inserting in lieu thereof "displacing agency"; and by striking out "decent, safe, and sanitary" in paragraph (3) and inserting in lieu thereof "comparable".

SEC. 411. FEDERAL SHARE OF COSTS.

(a) GENERAL RULE.—Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and
42 USC 4651. assistance under this title and title III of this Act shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.".

(b) LIMITATION.—Section 211(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended to read as follows:

"(b) No payment or assistance under this title or title III of this Act shall be required to be made to any person or included as a program or project cost under this section, if such person receives a payment required by Federal, State, or local law which is determined by the head of the Federal agency to have substantially the same purpose and effect as such payment under this section.".

SEC. 412. DUTIES OF LEAD AGENCY.

Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:

"DUTIES OF LEAD AGENCY

Regulations. "SEC. 213. (a) The head of the lead agency shall—

"(1) develop, publish, and issue, with the active participation of the Secretary of Housing and Urban Development and the heads of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such regulations as may be necessary to carry out this Act;

Housing. Disadvantaged persons. "(2) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs

or projects by a Federal agency or a State or State agency with Federal financial assistance; 101 STAT. 255

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and Report.

"(4) perform such other duties as may be necessary to carry out this Act.

"(b) The head of the lead agency is authorized to issue such regulations and establish such procedures as he may determine to be necessary to assure— Regulations.

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.

"(c) The regulations and procedures issued pursuant to this section shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.". 42 USC 4621, 4601.

SEC. 413. PAYMENTS UNDER OTHER LAWS.

Section 216 of the Uniform Act (42 U.S.C. 4636) is amended by inserting after "Federal law" the following: "(except for any Federal law providing low-income housing assistance)". Housing. Disadvantaged persons.

SEC. 414. TRANSFER OF SURPLUS PROPERTY.

Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting "net" after "all".

SEC. 415. REPEALS.

Sections 214, 217, and 219 of the Uniform Act (42 U.S.C. 4634 and 4637) are hereby repealed. 84 Stat. 1902.

SEC. 416. UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES.

(a) WAIVER OF APPRAISAL.—Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting before the period at the end thereof the following: ", except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value". Gifts and property.

(b) ACQUISITION OF UNECONOMIC REMNANT.—Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the Federal agency concerned has determined has little or no value or utility to the owner.". 101 STAT. 256

(c) DONATIONS.—Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph:

"(10) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, and part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.".

SEC. 417. ASSURANCES.

Section 305 of the Uniform Act (42 U.S.C. 4655) is amended by inserting "(a)" after "SEC. 305.", by striking out "a State agency" the first place it appears and inserting in lieu thereof "an acquiring agency", by striking out "State agency" the second place it appears and inserting in lieu thereof "acquiring agency", and by adding at the end thereof the following new subsection:

"(b) For purposes of this section, the term 'acquiring agency' means—

42 USC 4601.

"(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and

"(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.".

42 USC 4601 note.

SEC. 418. EFFECTIVE DATE.

The amendment made by section 412 of this title (to the extent such amendment prescribes authority to develop, publish, and issue regulations) shall take effect on the date of the enactment of this title. This title and the amendments made by this title (other than the amendment made by section 412 to such extent) shall take effect on the effective date provided in such regulations but not later than 2 years after such date of enactment.

Highway Revenue Act of 1987.

TITLE V—HIGHWAY REVENUE ACT OF 1987

26 USC 1 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1987".

SEC. 502. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

Petroleum and petroleum products.

(a) EXTENSION OF TAXES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

26 USC 1 *et seq.*

26 USC 4041.

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

26 USC 1 *et seq.*

100 Stat. 1774.

(4) Section 4081(e)(1) (as amended by the Tax Reform Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Sections 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

26 USC 1 *et seq.*

26 USC 4041.

(b) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to termination of exemptions for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

100 Stat. 2774.

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable

purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) EXTENSION OF REDUCED RATES OF TAX ON FUELS CONTAINING ALCOHOL.—

(1) Paragraph (3) of section 4041(k) of such Code (relating to fuels containing alcohol) is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(2) Paragraph (4) of section 4081(c) of such Code (relating to gasoline mixed with alcohol), as amended by the Tax Reform Act of 1986, is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(d) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of such Code (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1993".

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended— 26 USC 9503.

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of such Code (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1987, or

101 STAT. 258

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987."

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

SEC. 504. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph: 26 USC 9503.

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the

Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers to the extent attributable to section 6427(g) shall be borne only by the Highway Account.

26 USC 6427.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account."

SEC. 505. TREATMENT OF LONG-TERM LESSORS OF HEAVY TRUCKS AND TRAILERS.

(a) INITIAL TAX NOT IMPOSED ON SALE TO LONG-TERM LESSORS.—Paragraph (1) of section 4052(a) of the Internal Revenue Code of 1986 (defining first retail sale) is amended by striking out "other than for resale" and inserting in lieu thereof "other than for resale or leasing in a long-term lease".

26 USC 4052.

(b) CONSTRUCTIVE SALES PRICE IN THE CASE OF LONG-TERM LEASE.—Subsection (b) of section 4052 of such Code (defining price) is amended by adding at the end thereof the following new paragraph:

"(3) LONG-TERM LEASE.—

"(A) IN GENERAL.—In the case of any long-term lease of an article which is treated as the first retail sale of such article, the tax under this subchapter shall be computed on a price equal to—

"(i) the sum of—

"(I) the price (determined under this subchapter but without regard to paragraph (4)) at which such article was sold to the lessor, and

"(II) the cost of any parts and accessories installed by the lessor on such article before the first use by the lessee or leased in connection with such long-term lease, plus

101 STAT. 259

"(ii) an amount equal to the presumed markup percentage of the sum described in clause (i).

"(B) PRESUMED MARKUP PERCENTAGE.—For purposes of subparagraph (A), the term 'presumed markup percentage' means the average markup percentage of retailers of articles of the type involved, as determined by the Secretary.

"(C) EXCEPTIONS UNDER REGULATIONS.—To the extent provided in regulations prescribed by the Secretary, subparagraph (A) shall not apply to specified types of leases where its application is not necessary to carry out the purposes of this subsection."

(c) LONG-TERM LEASE DEFINED.—Section 4052 of such Code is amended by adding at the end thereof the following new subsection:

26 USC 4052.

"(f) LONG-TERM LEASE.—For purposes of this section, the term 'long-term lease' means any lease with a term of 1 year or more. In determining a lease term for purposes of the preceding sentence, the rules of section 168(i)(3)(A) shall apply."

26 USC 168.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer on or after the first day of the first calendar quarter which begins more than 90 days after the date of the enactment of this Act.

26 USC 4052 note.

SEC. 506. DETERMINATION OF PRICE WHERE TAX PAID BY MANUFACTURER.

(a) IN GENERAL.—Subsection (b) of section 4052 of the Internal Revenue Code of 1986 (defining price) is amended by adding at the end thereof the following new paragraph:

26 USC 4052.

"(4) SPECIAL RULE WHERE TAX PAID BY MANUFACTURER, PRODUCER, OR IMPORTER.—

"(A) IN GENERAL.—In any case where the manufacturer, producer, or importer of any article (or a related person) is liable for tax imposed by this subchapter with respect to such article, the tax under this subchapter shall be computed on a price equal to the sum of—

"(i) the price which would (but for this paragraph) be determined under this subchapter, plus

"(ii) the product of the price referred to in clause (i) and the presumed markup percentage determined under paragraph (3)(B).

"(B) RELATED PERSON.—For purposes of this paragraph—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'related person' means any person who is a member of the same controlled group (within the meaning of section 5061(e)(3)) as the manufacturer, producer, or importer. 26 USC 5061.

"(ii) EXCEPTION FOR RETAIL ESTABLISHMENT.—To the extent provided in regulations prescribed by the Secretary, a person shall not be treated as a related person with respect to the sale of any article if such article is sold through a permanent retail establishment in the normal course of the trade or business of being a retailer."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer on or after the 1st day of the 1st calendar quarter which begins more than 90 days after the date of the enactment of this Act. 26 USC 4052 note.

101 STAT. 260

SEC. 507. IMPOSITION OF HIGHWAY USE TAX ON ALL MOTOR VEHICLES OPERATING IN UNITED STATES.

(a) IN GENERAL.—Subsection (b) of section 4481 of the Internal Revenue Code of 1986 (relating to tax paid by whom) is amended by inserting "or contiguous foreign country" after "State". 26 USC 4481.

(b) REDUCTION IN TAX FOR TRUCKS BASE-PLATED IN A CONTIGUOUS FOREIGN COUNTRY.—Section 4483 of such Code (relating to exemptions) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) REDUCTION IN TAX FOR TRUCKS BASE-PLATED IN A CONTIGUOUS FOREIGN COUNTRY.—If the base for registration purposes of any highway motor vehicle is in a contiguous foreign country for any taxable period, the tax imposed by section 4481 for such period shall be 75 percent of the tax which would (but for this subsection) be imposed by section 4481 for such period."

(c) REGULATIONS REQUIRED WITHIN 120 DAYS.—The Secretary of the Treasury or the delegate of the Secretary shall within 120 days after the date of the enactment of this section prescribe regulations governing payment of the tax imposed by section 4481 of the Internal Revenue Code of 1986 on any highway motor vehicle operated by a motor carrier domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country. Such regulations shall include a procedure by which the operator of such motor vehicle shall evidence that such operator has paid such tax at the time such motor vehicle enters the United States. In the event of the failure to provide evidence of payment, such regulations may provide for denial of entry of such motor vehicle into the United States. 26 USC 4481 note.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1987. 26 USC 4481 note.

SEC. 508. APPLICATION OF CERTAIN REVENUE RULINGS.

Revenue Rulings 85-196 and 86-43 shall not apply to any vehicle acquired by a retail dealer before January 1, 1986, continuously held Motor vehicles.

in such dealer's inventory through September 30, 1986, and sold by such dealer after September 30, 1986.

JIM WRIGHT
Speaker of the House of Representatives.

JOHN C. STENNIS
President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,

March 31, 1987.

101 STAT. 261

The House of Representatives having proceeded to reconsider the bill (H.R. 2) entitled "An Act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

DONNALD K. ANDERSON
Clerk.

I certify that this Act originated in the House of Representatives.

DONNALD K. ANDERSON
Clerk.

IN THE SENATE OF THE UNITED STATES,

April 2 (legislative day, March 30), 1987.

The Senate having proceeded to reconsider the bill (H.R. 2) entitled "An Act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

WALTER J. STEWART
Secretary.

LEGISLATIVE HISTORY—H.R. 2 (S. 387):

HOUSE REPORTS: No. 100-27 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Jan. 21, considered and passed House.
Feb. 4, considered and passed Senate, amended, in lieu of S. 387.
Feb. 19, House disagreed to Senate amendments.
Mar. 18, House agreed to conference report.
Mar. 19, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Mar. 27, Presidential veto messages.
CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 31, House overrode veto.
Apr. 2, Senate overrode veto.

Public Law 100-148
100th Congress

101 STAT. 878

An Act

To extend the Aviation Insurance Program for five years.

Oct. 30, 1987
[S. 1628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1542) is amended by striking "1987" and inserting in lieu thereof "1992".

Approved October 30, 1987.

LEGISLATIVE HISTORY—S. 1628:

SENATE REPORTS: No. 100-147 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Sept. 10, considered and passed Senate.
Oct. 15, considered and passed House.

Public Law 100-223
100th Congress

101 STAT. 1486

An Act

To amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airport and airway improvements, and for other purposes.

Dec. 30, 1987
[H.R. 2310]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Airport and Airway Safety and Capacity Expansion Act of 1987.
Transportation.
49 USC app. 2201 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Airport and Airway Safety and Capacity Expansion Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Secretary and Administrator defined.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

Sec. 101. Amendment of Airport and Airway Improvement Act of 1982.
Sec. 102. Declaration of policy.
Sec. 103. Definitions.
Sec. 104. National airport and airway system plans.
Sec. 105. Authorization of appropriations.
Sec. 106. Apportionment of funds.
Sec. 107. Limitations on uses of funds.
Sec. 108. State sponsorship.
Sec. 109. Project sponsorship.
Sec. 110. Grant agreements.
Sec. 111. Project costs.
Sec. 112. Limitation on powers.
Sec. 113. Part-time operation of flight service stations.
Sec. 114. Explosive detection K-9 teams.
Sec. 115. Denial of funds for projects using products or services of foreign countries that deny fair market opportunities.
Sec. 116. State block grant pilot program.

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

Sec. 201. Amendment of Federal Aviation Act of 1958.
Sec. 202. Essential air service.
Sec. 203. Aircraft collision avoidance systems.
Sec. 204. Civil penalties.
Sec. 205. Indemnification of Federal Aviation Administration employees.
Sec. 206. Hazards to safe and efficient air commerce and the preservation of navigable airspace and airport traffic capacity.
Sec. 207. Public aircraft defined.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Noise abatement.
Sec. 302. Air traffic controller workforce.
Sec. 303. Safety rulemaking proceedings.
Sec. 304. Inflation adjustment on collection of certain aviation fees.
Sec. 305. Amendments to the National Driver Register Act.
Sec. 306. Low activity level I air traffic control tower contract program.
Sec. 307. Eligibility of Dermott, Arkansas, municipal airport.
Sec. 308. Standards for navigational aids.
Sec. 309. Long-term airport capacity needs.
Sec. 310. Radio navigation systems.
Sec. 311. Reporting of accidents to NTSB.
101 STAT. 1487 Sec. 312. Atlantic City Airport.
Sec. 313. Release of certain conditions.
Sec. 314. Flight service station in Juneau, Alaska.
Sec. 315. Grand Canyon Airport.

TITLE IV—EXTENSION OF AVIATION-RELATED TAXES AND AIRPORT AND AIRWAY TRUST FUND SPENDING AUTHORITY

Sec. 401. Short title.
Sec. 402. 3-year extension of aviation-related taxes.
Sec. 403. Extension of Airport and Airway Trust Fund spending authority.
Sec. 404. Exemption for certain emergency medical transportation by helicopter.
Sec. 405. Reduction in aviation-related taxes where appropriations are significantly below authorizations.

49 USC app 2202 note.

SEC. 2. SECRETARY AND ADMINISTRATOR DEFINED.

As used in this Act—

(1) the term "Secretary" means the Secretary of Transportation; and

(2) the term "Administrator" means the Administrator of the Federal Aviation Administration.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

SEC. 101. AMENDMENT OF AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201–2225).

SEC. 102. DECLARATION OF POLICY.

49 USC app. 2201.

(a) COMPREHENSIVE AIR SPACE PLAN.—Section 502(a)(4) is amended—

(1) by inserting ", a vertical visual guidance system," after "precision approach system"; and

(2) by inserting "distance-to-go signs for each primary and secondary runway, a surface movement radar system at each category III airport, a taxiway lighting and sign system," after "vertical guidance on all runways,".

(b) CARGO HUB AIRPORTS.—Section 502(a) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) cargo hub airports play a critical role in the movement of commerce through the airport and airway system and appropriate provisions should be made to facilitate the development and enhancement of such airports;".

(c) INCREASING AIRPORT CAPACITY; NONAVIATION USE OF AIRSPACE; LIMITATION ON ARTIFICIAL RESTRICTIONS ON AIRPORT CAPACITY.—Section 502(a) is amended—

(1) by striking out "and" at the end of paragraph (9), as redesignated by subsection (b);

(2) by striking out the period at the end of paragraph (10), as so redesignated, and by inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs: 101 STAT. 1488

"(11) airport construction and improvement projects which increase the capacity of facilities to accommodate passenger and cargo traffic, thereby increasing safety and efficiency and reducing delays, should be undertaken to the maximum feasible extent;

"(12) it is in the national interest to ensure that nonaviation usage of navigable airspace be accommodated but not allowed to decrease the safety and capacity of the airspace and airport system; and

"(13) artificial restrictions on airport capacity are not in the public interest and should not be imposed to alleviate air traffic delays unless other reasonably available and less burdensome alternatives have first been attempted.".

(d) SENSE OF CONGRESS.—It is the sense of Congress that any regulation under which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft at certain airports should be phased out and eliminated at the earliest practicable date the Administrator finds that such phaseout or elimination is consistent with aviation safety. 49 USC app. 1348 note.

SEC. 103. DEFINITIONS.

(a) INCLUSION OF HELIPORTS AS AIRPORTS.—Section 503(a)(1) is amended— 49 USC app. 2202.

(1) by inserting "(A)" before "means"; and

(2) by inserting "; and (B) includes any heliport" before the period at the end thereof.

(b) ACQUISITION OF FIRE FIGHTING EQUIPMENT AS AIRPORT DEVELOPMENT.—Section 503(a)(2)(B) is amended—

(1) by striking out "or" at the end of clause (iv);

(2) by striking out "and" at the end of clause (v) and inserting in lieu thereof "or"; and

(3) by adding at the end thereof the following new clause:

"(vi) fire fighting and rescue equipment at any airport which serves scheduled passenger operations of air carrier aircraft designed for more than 20 passenger seats; and".

(c) LANDED WEIGHT DEFINED.—Section 503(a) is amended—

(1) by redesignating paragraphs (9) through (24), and any references thereto, as paragraphs (10) through (25); and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) 'Landed weight' means the weight of aircraft providing scheduled and nonscheduled service of only property (including mail) in intrastate, interstate, and foreign air transportation, as shall be determined by the Secretary pursuant to such regulations as the Secretary may prescribe.".

(d) INCLUSION OF CERTAIN INTERNATIONAL PASSENGERS AS PASSENGERS ENPLANED.—Paragraph (10) of section 503(a), as redesignated by subsection (c), is amended by inserting before the period at the end thereof the following: "and includes passengers on board international flights which transit an airport located in the 48 contiguous States for nontraffic purposes".

(e) DEFINITION OF PRIMARY AIRPORT.—Paragraph (12) of section 503(a), as redesignated by subsection (c), is amended by striking out ".01 percent" and all that follows through the period at the end 101 STAT. 1489 thereof and inserting in lieu thereof the following: "more than 10,000 passengers enplaned annually.".

(f) CONFORMING AMENDMENT.—Section 101(1) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2101(1)) is amended by striking out section "503(17)" and inserting in lieu thereof "503(18)".

SEC. 104. NATIONAL AIRPORT AND AIRWAY SYSTEM PLANS.

(a) REVIEW OF PLAN.—

49 USC app. 2203.

(1) IN GENERAL.—Section 504(a) is amended—

(A) by inserting "(1) PUBLICATION, CONTENTS, AND REVIEW OF PLAN.—" before "Not later than two"; and

(B) by adding at the end thereof the following new paragraph:

"(2) SPECIAL REVIEW.—As soon as feasible following the date of the enactment of this paragraph, the Secretary shall, in reviewing and revising the plan, take into account tall structures which reduce safety or airport capacity and make every reasonable effort to address the legitimate needs of air cargo operations, STOL/VSTOL aircraft operations, and rotary wing aircraft operations.".

(2) CONFORMING AMENDMENT.—Such section is further amended by indenting paragraph (1), as designated by paragraph (1)(A) of this subsection, and aligning such paragraph (1) with paragraph (2), as added by paragraph (1)(B) of this subsection.

(b) STUDY OF SPECIAL USE AIRSPACE.—

(1) IN GENERAL.—Section 504(d) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraph:

"(2) SPECIAL USE AIRSPACE.—

"(A) REVIEW.—The Secretary and the Secretary of Defense, in consultation with aviation users, shall jointly conduct a national review of the need and utilization of special use airspace with a view to determining its impact on civil aviation operations and on the quality of the environment.

"(B) REPORT.—Not later than 18 months after the date of the enactment of the Airport and Airway Safety and Capacity Expansion Act of 1987, the Secretary and the Secretary of Defense shall report to Congress the results of the review conducted under subparagraph (A), together with their recommendations.".

(2) CONFORMING AMENDMENTS.—Section 504(d) is further amended—

(A) in paragraph (1) by inserting "CIVIL USE OF DOMESTIC MILITARY AIRPORTS.—" before "The Department"; and

(B) by indenting paragraph (1) and aligning such paragraph with paragraph (2), as inserted by paragraph (1) of this subsection.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

49 USC app. 2205.

(a) AIRWAY FACILITIES AND EQUIPMENT.—Section 506(a) is amended—

(1) by redesignating paragraph (2) (and any reference thereto) as paragraph (3); and

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(2) by striking out "For the purposes of" and all that follows through "remain available until expended." and inserting in lieu thereof the following:

"(1) GENERAL AUTHORIZATION.—For the purposes of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1348(b)), there are authorized to be appropriated from the Trust Fund for fiscal years beginning after September 30, 1981, aggregate amounts not to exceed $6,327,000,000 for fiscal years ending before October 1, 1987, $7,704,000,000 for fiscal years ending before October 1, 1988, $9,434,000,000 for fiscal years ending before October 1, 1989, and $11,625,200,000 for fiscal years ending before October 1, 1990. Amounts appropriated under this subsection shall remain available until expended.

"(2) PURCHASE AND INSTALLATION OF INSTRUMENT LANDING SYSTEMS.—

"(A) MINIMUM OBLIGATION LEVEL.—Of amounts made available under paragraph (1) after September 30, 1987, the Secretary shall obligate not less than $27,000,000 in fiscal year 1988, $30,000,000 in fiscal year 1989, and $35,000,000 in fiscal year 1990 for the purposes of purchasing and installing instrument landing systems at airports under section 307(b) of the Federal Aviation Act of 1958.

"(B) PRIMARY AND RELIEVER AIRPORTS.—75 percent of amounts obligated pursuant to subparagraph (A) in a fiscal year shall be made available for the purchase and installation of instrument landing systems at primary airports and reliever airports.

"(C) OTHER AIRPORTS.—25 percent of amounts obligated pursuant to subparagraph (A) in a fiscal year shall be made available for the purchase and installation of instrument landing systems at airports other than primary airports and reliever airports.".

(b) RESEARCH, ENGINEERING AND DEVELOPMENT, AND DEMONSTRATIONS.—

(1) IN GENERAL.—Section 506(b) is amended to read as follows: 49 USC app. 2205.

"(b) RESEARCH, ENGINEERING AND DEVELOPMENT, AND DEMONSTRATIONS.—

"(1) DEMONSTRATION PROJECTS.—The Secretary is authorized to carry out under section 312 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353) such demonstration projects as the Secretary determines necessary in connection with research and development activities under such section.

"(2) GENERAL AUTHORIZATION.—For research, engineering and development, and demonstration projects and activities under section 312 of the Federal Aviation Act of 1958 and paragraph (1) of this subsection, there is authorized to be appropriated from the Trust Fund—

"(A) for fiscal year 1988—

"(i) $127,192,000 solely for air traffic control projects and activities;

"(ii) $7,743,000 solely for air traffic control advanced computer projects and activities;

"(iii) $9,818,000 solely for navigation projects and activities;

"(iv) $21,957,000 solely for aviation weather projects and activities; 101 STAT. 1491

"(v) $6,307,000 solely for aviation medicine projects and activities of which not less than $250,000 shall be made available for research and development relating to equipment designed to provide improved access by handicapped persons to commercial aircraft;

"(vi) $24,988,000 solely for aircraft safety projects and activities; and

"(vii) $3,000,000 solely for environmental projects and activities;

"(B) for fiscal year 1989—

"(i) $135,866,000 solely for air traffic control projects and activities;

"(ii) $15,716,000 solely for air traffic control advanced computer projects and activities;

"(iii) $11,395,000 solely for navigation projects and activities;

"(iv) $21,797,000 solely for aviation weather projects and activities;

"(v) $6,613,000 solely for aviation medicine projects and activities;

"(vi) $21,013,000 solely for aircraft safety projects and activities; and

"(vii) $2,600,000 solely for environmental projects and activities; and

"(C) for fiscal year 1990, $222,000,000.

"(3) AUTHORITY TO TRANSFER FUNDS.—

"(A) UNLIMITED.—Funds may be transferred among the projects and activities listed in paragraph (2), except that the net funds transferred to or from any category of such projects and activities listed in paragraph (2) in any fiscal year may not exceed 10 percent of the amount authorized for such category by paragraph (2) for such fiscal year.

"(B) AFTER NOTICE.—In addition, the Secretary may propose transfers to or from any category of projects and activities listed in paragraph (2) exceeding 10 percent of the amount authorized for such category. An explanation of the proposed transfer must be transmitted in writing to the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate. The proposed transfer may be made only when—

"(i) 30 calendar days have passed after transmission of such explanation; or

"(ii) each such Committee has transmitted to the Secretary written notice that such Committee has no objection to the proposed transfer.

"(4) FUNDING FOR ENHANCING AIRPORT CAPACITY.—

"(A) GENERAL RULE.—Notwithstanding any other provision of this subsection, of funds made available under paragraph (2) in each of fiscal years 1988, 1989, and 1990, not less than $25,000,000 per fiscal year is authorized to be appropriated for research and development on preserving and enhancing airport capacity (including research and development on improvements to airport design standards, airport maintenance, airport safety, airport operations, and airport environmental concerns) under section 312 of the Federal Aviation Act of 1958.

101 STAT. 1492

"(B) REPORT.—Not later than 60 days after the last day of each of fiscal years 1988, 1989, and 1990, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Science, Space, and Technology and the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on expenditures made by the Administrator for research and development under subparagraph (A) in such fiscal year.

"(5) PERIOD OF AVAILABILITY.—Amounts appropriated under this subsection shall remain available until expended.".

49 USC app. 2205 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 1987.

(c) OTHER EXPENSES.—

49 USC app. 2205.

(1) GENERAL LIMITATIONS.—Section 506(c) is amended by adding at the end thereof the following new paragraph:

"(3) FISCAL YEARS 1988–1990.—

"(A) MAXIMUM AMOUNT APPROPRIATED.—Subject to subparagraph (B) of this paragraph, the amount appropriated from the Trust Fund for the purposes of clauses (A) and (B) of paragraph (1) of this subsection for each of fiscal years 1988, 1989, and 1990 may not exceed 50 percent of the amount of funds made available under section 505 and subsections (a) and (b) of this section for such fiscal year.

"(B) REDUCTION IN MAXIMUM AMOUNT.—The maximum amount which may be appropriated from the Trust Fund for the purposes of clauses (A) and (B) of paragraph (1) for any fiscal year, as determined under subparagraph (A) of

this paragraph, shall be reduced by an amount equal to 2 times the excess, if any, of—

"(i) $3,278,000,000 in the case of fiscal year 1988, $3,445,000,000 in the case of fiscal year 1989, $3,863,000,000 in the case of fiscal year 1990, $3,770,000,000 in the case of fiscal year 1991, and $3,778,000,000 in the case of fiscal year 1992, over

"(ii) the amount made available under section 505 and subsections (a) and (b) of this section for such fiscal year.

"(C) INCREASE IN MAXIMUM AMOUNT.—Subject to subparagraph (D), the amount authorized to be appropriated from the Trust Fund under this paragraph for any fiscal year shall be increased by an amount equal to 2 times the excess, if any, of—

"(i) the amount made available under section 505 and subsections (a) and (b) of this section for such fiscal year, over

"(ii) the portion of the amount authorized under such section and subsections for such fiscal year which was not authorized for any previous fiscal year.

"(D) LIMITATION ON INCREASES.—The aggregate amount of increases in the amount authorized to be appropriated from the Trust Fund under this paragraph may not exceed the aggregate amount of reductions made under subparagraph (B) of this paragraph.". 101 STAT. 1493

(2) LIMITATION ON FUNDING FOR WEATHER SERVICES.—Section 506(d) is amended— 49 USC app. 2205.

(A) by striking out "$26,700,000" and all that follows through "1986; and"; and

(B) by inserting before the period at the end thereof the following: "and $30,000,000 per fiscal year for each of fiscal years 1988, 1989, and 1990".

(d) LIMITATION ON USES OF TRUST FUND.—

(1) FUNDING OF AIRPORT IMPROVEMENT PROGRAM.—Section 506(e)(1) is amended by inserting "and section 505" before the period.

(2) EXTENSION.—Section 506(e)(5) is amended by striking out "1987" and inserting in lieu thereof "1992".

(e) AIRPORT DEVELOPMENT AND PLANNING.—Section 505(a) is amended by striking out the second sentence and inserting in lieu thereof the following: "The aggregate amounts which shall be available after September 30, 1981, to the Secretary for such grants and for grants for airport noise compatibility planning under section 103(b) of the Aviation Safety and Noise Abatement Act of 1979 and for carrying out noise compatibility programs or parts thereof under section 104(c) of such Act shall be $5,116,700,000 of which $475,000,000 shall be credited to the supplementary discretionary fund established by section 507(a)(3)(B) for fiscal years ending before October 1, 1987, $6,816,700,000 for fiscal years ending before October 1, 1988, $8,516,700,000 for fiscal years ending before October 1, 1989, $10,216,700,000 for fiscal years ending before October 1, 1990, $12,016,700,000 for fiscal years ending before October 1, 1991, and $13,816,700,000 for fiscal years ending before October 1, 1992.". 49 USC app. 2204.

(f) DISADVANTAGED BUSINESS ENTERPRISES.—Section 505 is amended by adding at the end thereof the following new subsection:

"(d) DISADVANTAGED BUSINESS ENTERPRISES.—

"(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available under subsection (a) in a fiscal year beginning after September 30, 1987, shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $14,000,000, as adjusted by the Secretary for inflation.

"(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'socially and economically disadvantaged individuals' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged for purposes of this subsection.

101 STAT. 1494

"(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State or airport sponsor shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State.

"(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments and airport sponsors to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.".

49 USC app 2205

(g) CONFORMING AMENDMENTS.—(1) Section 506(a) is further amended—

(A) in paragraph (3), as redesignated by subsection (a)(1) of this section, by inserting "SITE PREPARATION WORK.—" before "The costs of"; and

(B) aligning such paragraph (3) with paragraph (1), as inserted by subsection (a)(2) of this section.

(2) Section 506(c) is further amended—

(A) in paragraph (1) by inserting "DESCRIPTION.—" before "The balance";

(B) in paragraph (2) by inserting "FISCAL YEARS 1982–1987.—" before "The amount appropriated"; and

(C) by indenting paragraph (1) and aligning such paragraph and paragraph (2) with paragraph (3) of such section, as added by subsection (c) of this section.

(3) Section 506(e)(2) is amended by striking out "and (d) and the third sentence of section (c)" and inserting in lieu thereof "(c), and (d)".

(h) SPECIAL RULE FOR HAWAII.—Notwithstanding any other provision of law, funds made available to the State of Hawaii under section 505 of the Airport and Airway Improvement Act of 1982 may be used to acquire properties referred to as areas 46A and 46B of the United States General Services Administration Facility Site in Moanalua, Honolulu, Oahu, Hawaii, or to reimburse the State of Hawaii for such acquisition.

SEC. 106. APPORTIONMENT OF FUNDS.

(a) GENERAL RULES.—Section 507 is amended to read as follows:

49 USC app 2206

"SEC. 507. APPORTIONMENT OF FUNDS.

"(a) APPORTIONMENT.—On the first day of each fiscal year for which any amount is authorized to be obligated for the purposes of section 505 of this title, the amount made available for the fiscal year under such section and not previously apportioned shall be apportioned by the Secretary as follows:

"(1) PRIMARY AIRPORTS.—To the sponsor of each primary airport, as follows:

"(A) $7.80 for each of the first 50,000 passengers enplaned at the airport;

"(B) $5.20 for each of the next 50,000 passengers enplaned at the airport;

"(C) $2.60 for each of the next 400,000 passengers enplaned at the airport; and

"(D) $0.65 for each additional passenger enplaned at the airport.

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"(2) CARGO SERVICE AIRPORTS.—To the sponsors of airports which are served by aircraft providing air transportation of only property (including mail) with an aggregate annual landed weight in excess of 100,000,000 pounds, 3 percent of the amount made available under section 505 for such fiscal year (but not to exceed $50,000,000) as follows: In the proportion which the aggregate annual landed weight of all such aircraft landing at each such airport bears to the total aggregate annual landed weight of all such aircraft landing at all such airports.

"(3) STATES.—To the States, 12 percent of the amount made available under section 505 for such fiscal year, as follows:

"(A) INSULAR AREAS.—For airports, 1 percent of such amounts to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands.

Guam
American Samoa
Northern Mariana Islands
Trust Territory of the Pacific Islands
Virgin Islands

"(B) STATES.—For airports, other than primary airports and airports described in section 508(d)(3), ½ of the remaining 99 percent in the proportion which the population of each State (other than a State to which subparagraph (A) applies) bears to the total population of all such States and ½ of the remaining 99 percent in the proportion which the area of each such State bears to the total area of all such States.

"(b) SPECIAL RULES.—

"(1) MAXIMUM AND MINIMUM AMOUNTS FOR PRIMARY AIRPORTS.—The Secretary shall not apportion less than $300,000 nor more than $16,000,000 under subsection (a)(1) to an airport sponsor for any primary airport for any fiscal year.

"(2) LIMITATION ON TOTAL APPORTIONMENTS TO PRIMARY AND CARGO SERVICE AIRPORTS.—

"(A) GENERAL RULE.—In no event shall the total amount of all apportionments under subsections (a)(1) and (a)(2) for any fiscal year exceed 49.5 percent of the amount authorized to be obligated for such fiscal year for the purposes of section 505 of this title.

"(B) DISTRIBUTION.—In any case in which apportionments in a fiscal year would be reduced by subparagraph (A), the Secretary shall for such fiscal year reduce the apportionment to each sponsor of an airport under subsections (a)(1) and (a)(2) proportionately so that such 49.5 percent amount is achieved.

"(3) EFFECT OF OBLIGATION CEILING ON PRIMARY AND CARGO SERVICE APPORTIONMENTS.—

"(A) OVERALL LIMIT.—If any Act of Congress has the effect of limiting or reducing the amount authorized or available to be obligated for any fiscal year for the purposes of section 505 of this title, the total amount of all apportionments under subsections (a)(1) and (a)(2) for such fiscal year shall not exceed 49.5 percent of such limited or reduced amount.

"(B) DISTRIBUTION.—In any case in which apportionments in a fiscal year would be reduced by subparagraph (A), the Secretary shall for such fiscal year reduce the apportionment to each sponsor of an airport under subsections (a)(1)

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and (a)(2) proportionately so that such 49.5 percent amount is achieved.

"(4) MAXIMUM PERCENTAGE OF APPORTIONMENTS TO ANY CARGO SERVICE AIRPORT.—The Secretary shall not apportion to the sponsor of any airport more than 8 percent of the total amount of apportionments under subsection (a)(2) for any fiscal year.

"(5) TREATMENT OF ALASKA.—

"(A) APPORTIONMENT FORMULA.—Notwithstanding any other provision of subsection (a), for any fiscal year for which funds are made available under section 505 of this title the Secretary may apportion funds for airports in the State of Alaska in the same manner in which funds were apportioned in fiscal year 1980 under section 15(a) of the Airport and Airway Development Act of 1970.

"(B) MINIMUM APPORTIONMENT.—In no event shall the total amount apportioned for such airports under this paragraph for any fiscal year be less than the minimum amounts that were required to be apportioned to such airports in fiscal year 1980 under section 15(a)(3)(A) of such Act.

"(C) HOLD HARMLESS.—In no event shall a primary airport be apportioned less under this paragraph for a fiscal year than it would be apportioned for such fiscal year under subsection (a)(1).

"(D) EXPENDITURES AT COMMERCIAL SERVICE AIRPORTS.—In no event shall the amount of funds apportioned under this paragraph which are expended at any commercial service airport in the State of Alaska during a fiscal year exceed 110 percent of the amount apportioned to such airport for such fiscal year.

"(E) DISCRETIONARY FUNDING.—Nothing in this paragraph shall be construed as prohibiting the Secretary from making additional project grants to airports in the State of Alaska from the discretionary fund established by subsection (c).

"(6) ELIGIBILITY.—

"(A) ALASKA.—Notwithstanding subsection (a)(3)(B), funds apportioned under such subsection for airports in the State of Alaska may be made available by the Secretary for public airports described in section 508(d)(3)(C) in such State.

"(B) PUERTO RICO.—Notwithstanding subsection (a)(3)(B), funds apportioned under such subsection for airports in the Commonwealth of Puerto Rico may be made available by the Secretary for primary airports and airports described in section 508(d)(3) in such Commonwealth.

Grants.

"(c) DISCRETIONARY FUND.—

"(1) ESTABLISHMENT.—Subject to section 508(d) and paragraph (2) of this subsection any amounts—

"(A) which are made available for a fiscal year under section 505,

"(B) which have not been previously apportioned by the Secretary, and

"(C) which are not apportioned under subsections (a) and (b)(5) of this subsection,

shall constitute a discretionary fund to be distributed at the

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discretion of the Secretary. Such discretionary fund shall be used for making grants for any of the purposes for which funds are made available under section 505 as the Secretary considers most appropriate for carrying out the purposes of this title.

"(2) LEVEL OF FUNDING FOR PRESERVING AND ENHANCING CAPACITY, SAFETY, AND SECURITY.—Subject to section 508(d) and paragraph (4) of this subsection, not less than 75 percent of the funds in the discretionary fund pursuant to paragraph (1) and distributed by the Secretary under this subsection in a fiscal year beginning after September 30, 1987, shall be used for

making grants for any of the following purposes: preserving and enhancing capacity, safety, and security at primary airports and reliever airports and carrying out airport noise compatibility planning and programs at primary airports and reliever airports.

"(3) SELECTION CRITERIA.—In selecting projects for grants described in paragraph (2) for preserving and enhancing capacity at airports, the Secretary shall consider each proposed project's effect on overall national air transportation system capacity, project benefit and cost, and the financial commitment of the airport operator or other non-Federal funding sources to preserve or enhance airport capacity.

"(4) LIMITATION.—If the Secretary determines that the Secretary will not be able to comply with the percentage requirement established by paragraph (2) in any fiscal year because the number of qualified applications submitted in compliance with this title is insufficient to meet such percentages, the portion of funds which the Secretary determines will not be so distributed shall be available for obligation during such fiscal year without regard to such requirement.

"(d) CALENDAR YEAR AS BASIS FOR DETERMINING CERTAIN APPORTIONMENTS.—

"(1) PASSENGERS ENPLANED.—For purposes of determining apportionments for any fiscal year under subsection (a)(1), the number of passengers enplaned at an airport shall be based on the number of passengers enplaned at such airport during the preceding calendar year.

"(2) LANDED WEIGHT.—For purposes of determining apportionments for any fiscal year under subsection (a)(2), the landed weight of aircraft landing at an airport referred to in subsection (a)(2) shall be based on the landed weight of aircraft landing at such airport and all such airports during the preceding calendar year.

"(e) DEFINITIONS.—As used in subsection (a)(3)—

"(1) POPULATION.—The term 'population' means the population according to the latest decennial census of the United States.

"(2) AREA.—The term 'area' includes both land and water.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 505.—Section 505(a) is amended by striking out "sections 507(.1), (2), (3)(A), or" and inserting in lieu thereof "sections 5(a)(1), 507(a) 2), 507(a)(3), 507(c), and". 49 USC app. 2204.

(2) SECTION 508.—Secti n 508 is amended— 49 USC app. 2207.

(A) in subsection (a) by striking out "paragraph (1), (2), or (4) of section 507(a)" and inserting in lieu thereof "subsection (a) or (b)(5) of section 507";

(B) in subsection (a) by striking out "507(a)(3)" and inserting in lieu thereof "507(c)";

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(C) in subsection (c) by striking out "507(a)(2)" each place it appears and inserting in lieu thereof "507(a)(3)";

(D) in subsection (d)(3) by striking out "paragraph (4) of section 507(a)" and inserting in lieu thereof "section 507(b)(5)"; and

(E) in subsection (e)(1) by striking out "507(a)" and inserting in lieu thereof "507(a) or 507(b)(5)".

(3) SECTION 509.—Section 509 is amended— 49 USC app. 2208.

(A) in subsection (a)(2) by striking out "507(a)" and inserting in lieu thereof "507"; and

(B) in subsection (e) by striking out "507(a)(1)" and inserting in lieu thereof "507(a)(1) or 507(a)(2)".

(4) SECTION 512.—Section 512(a) is amended by striking out "507(a)(1)" and inserting in lieu thereof "507(a)(1) or 507(a)(2)". 49 USC app. 2211.

(5) SECTION 513.—Section 513(b) is amended— 49 USC app. 2212.

(A) in paragraph (2) by striking out "507(a)(3)" and inserting in lieu thereof "507(c)"; and

(B) in paragraph (4) by striking out "507(a)" and inserting in lieu thereof "507(a) or 507(b)(5)".

49 USC app. 2204 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1987, and apply to fiscal years beginning on and after such date.

49 USC app. 2207.

SEC. 107. LIMITATIONS ON USES OF FUNDS.

(a) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 508(d)(2) is amended by striking out "8 percent" and inserting in lieu thereof "10 percent".

(b) REDUCTION IN SET ASIDE FOR SMALL AIRPORTS.—Section 508(d)(3) is amended by striking out "5.5 percent" each place it appears and inserting in lieu thereof "2.5 percent".

(c) INTEGRATED AIRPORT SYSTEM PLANNING.—Section 508(d)(4) is amended by striking out "one percent" and inserting in lieu thereof "½ of 1 percent".

(d) CONFORMING AMENDMENT.—Section 508(d)(2) is amended—

(1) by striking out "(A)"; and

(2) by striking out ", and (B) in the case of fiscal year 1982, for any of the purposes set forth in section 505(c) of this title".

SEC. 108. STATE SPONSORSHIP.

49 USC app. 2208.

Section 509(a) is amended by adding at the end thereof the following new paragraph:

"(3) STATE SPONSORSHIP.—Nothing in this title shall preclude a State from submitting, as sole sponsor, a project application under this title for an airport development project benefitting 2 or more airports in the State or airport planning for similar projects at 2 or more airports in the State if—

"(A) the sponsors of such airports consent in writing to State sponsorship of such projects or planning;

"(B) the Secretary is satisfied that there is administrative merit and aeronautical benefit to State sponsorship of such projects or planning; and

"(C) an acceptable agreement exists to ensure compliance by the State with appropriate grant conditions and other assurances required by the Secretary.".

101 STAT. 1499

SEC. 109. PROJECT SPONSORSHIP.

49 USC app. 2210.

(a) NONDISCRIMINATION ASSURANCE.—Section 511(a)(1)(A) is amended—

(1) by inserting "with respect to facilities directly and substantially related to providing air transportation" after "and other charges";

(2) by striking out "and combined passenger and cargo flights or all cargo flights," and inserting in lieu thereof "and signatory carriers and nonsignatory carriers,";

(3) by inserting "or signatory" after "or status as tenant"; and

(4) by striking out "on tenant air carriers," and inserting in lieu thereof "on air carriers in such classification or status,".

(b) APPROVAL OF NONAERONAUTICAL CLOSING OF AIRPORTS.—Section 511(a)(3) is amended by inserting before the semicolon at the end thereof the following: ", and any proposal to temporarily close the airport for nonaeronautical purposes must first be approved by the Secretary".

(c) TERMINAL AIRSPACE ASSURANCE.—Section 511(a)(4) is amended to read as follows:

"(4) appropriate action will be taken to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;".

(d) REVENUE ASSURANCE.—Section 511(a)(12) is amended to read as follows:

"(12) all revenues generated by the airport, if it is a public airport, and any local taxes on aviation fuel (other than taxes in effect on the date of the enactment of the Airport and Airway Safety and Capacity Expansion Act of 1987) will be expended for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property; except that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in the governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all other revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply;". Taxes.

(e) DISPOSAL OF LAND ASSURANCES.—Section 511(a) is amended by striking out paragraph (13) and inserting in lieu thereof the following new paragraphs:

"(13) if the airport operator or owner receives a grant before, on, or after the date of the enactment of this paragraph for the purchase of land for airport noise compatibility purposes—

"(A) the owner or operator will, when the land is no longer needed for such purposes, dispose of such land at fair market value at the earliest practicable time; 101 STAT. 1500

"(B) such disposition will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with the operation of the airport; and

"(C) that portion of the proceeds of such disposition which is proportionate to the United States share of the cost of acquisition of such land will, at the discretion of the Secretary—

"(i) be paid to the Secretary for deposit in the Trust Fund; or

"(ii) be reinvested in an approved noise compatibility project as prescribed by the Secretary;

"(14) if the airport operator or owner receives a grant before, on, or after the date of the enactment of this paragraph for the purchase of land for airport purposes (other than noise compatibility purposes)—

"(A) the owner or operator will, when the land is no longer needed for airport purposes, dispose of such land at fair market value;

"(B) such disposition will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with the operation of the airport; and

"(C) that portion of the proceeds of such disposition which is proportionate to the United States share of the cost of acquisition of such land will be paid to the Secretary for deposit in the Trust Fund;".

(f) AIRPORT LAYOUT PLAN ASSURANCE.—Section 511(a) is further amended by adding at the end thereof the following new paragraph: 49 USC app. 2210

"(15) the airport owner or operator will keep up to date at all times a layout plan of the airport which meets the following requirements:

"(A) the plan will be in a form prescribed by the Secretary;

"(B) before the plan and an amendment, revision, or modification thereof may take effect, the plan, amendment, revision, or modification will be submitted to, and receive approval of, the Secretary;

"(C) the owner or operator will not make or permit any changes or alterations in the airport or in any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility, or efficiency of the airport;

"(D) if a change or alteration in the airport or its facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested by the Secretary—

"(i) eliminate such adverse effect in a manner approved by the Secretary; or

"(ii) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities;".

101 STAT. 1501

(g) ASSURANCE RELATING TO CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 511(a) is further amended by adding at the end thereof the following new paragraph:

"(16) each contract or subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project will be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport; and".

(h) ASSURANCE RELATING TO DISADVANTAGED BUSINESS ENTERPRISES.—Section 511(a) is further amended by adding at the end thereof the following new paragraph:

"(17) the airport owner or operator will take such action as may be necessary to ensure that, to the maximum extent practicable, at least 10 percent of all businesses at the airport which sell food, beverages, printed materials, or other consumer products to the public are small business concerns (as defined by the Secretary by regulation) owned and controlled by socially and economically disadvantaged individuals (as defined under section 505(d)(2)(B)).".

(i) USE OF STATE TAXES ON AVIATION FUEL.—Section 511 is further amended by adding at the end thereof the following new subsection:

"(d) USE OF STATE TAXES ON AVIATION FUEL.—Nothing in subsection (a)(12) of this section shall preclude the use of State taxes on aviation fuel to support a State aviation program or preclude use of airport revenue on or off the airport for noise mitigation purposes.".

(j) USE OF LAND DISPOSAL FUNDS.—Section 511 is further amended by adding at the end thereof the following new subsection:

"(e) USE OF LAND DISPOSAL FUNDS.—

"(1) AIRPORT NOISE COMPATIBILITY LANDS.—Amounts deposited in the Trust Fund in accordance with subsection (a)(13) of this section shall be available to the Secretary for making grants for airport development and airport planning under section 505(a). Such amounts shall be in addition to amounts made available to the Secretary under section 505 and not subject to the apportionment provisions of sections 507(a) and 507(b)(5).

"(2) OTHER AIRPORT LANDS.—Amounts deposited in the Trust Fund in accordance with subsection (a)(14) of this section—

"(A) shall be available to the Secretary for making grants at the discretion of the Secretary for the purposes described in section 507(c)(2) at primary airports and reliever airports; and

"(B) shall be available to the Secretary for use in accordance with section 507(a)(3) at other airports in the State in which the land disposition occurred under subsection (a)(14).

Such amounts shall be in addition to amounts made available to the Secretary under section 505 and not subject to the apportionment provisions of sections 507(a) and 507(b)(5).". 101 STAT. 1502

(k) PROCEDURES FOR MODIFYING ASSURANCES.—Section 511 is further amended by adding at the end thereof the following new subsection: 49 USC app. 2210.

"(f) PROCEDURES FOR MODIFYING ASSURANCES.—If the Secretary proposes to modify any assurance required of a person receiving a grant under this Act and in effect on or after the date of the enactment of this subsection or proposes to require compliance with any additional assurance from such person, the Secretary shall first—

"(1) publish notice of such proposal in the Federal Register, and Federal Register, publication.

"(2) provide an opportunity for comment on such proposal.".

SEC. 110. GRANT AGREEMENTS.

(a) MAXIMUM OBLIGATION OF THE UNITED STATES.—Section 512(b) is amended to read as follows: 49 USC app. 2211.

"(b) MAXIMUM OBLIGATION OF THE UNITED STATES.—

"(1) GENERAL RULE.—Subject to paragraphs (2) and (3) of this subsection, when an offer is accepted in writing by a sponsor, the amount stated in the offer as the maximum obligation of the United States may not be increased.

"(2) EXCEPTIONS FOR FISCAL YEARS 1987 AND BEFORE.—The maximum obligation of the United States under this subsection with respect to a project receiving assistance under a grant approved under this title on or before September 30, 1987, may be increased—

"(A) by not more than 10 percent in the case of a project for airport development (other than a project for land acquisition); and

"(B) by an amount not to exceed 50 percent of the total increase in allowable project costs attributable to an acquisition of land or interests in land, based upon current credible appraisals.

Any increase under this section may be paid only from funds recovered by the United States from other grants made under this title.

"(3) EXCEPTIONS FOR FISCAL YEARS 1988 AND THEREAFTER.—The maximum obligation of the United States under this subsection with respect to a project receiving assistance under a grant approved under this title or the Aviation Safety and Noise Abatement Act of 1979 after September 30, 1987, may be increased by not more than 15 percent in the case of a project for airport development.".

(b) WORKSCOPE.—Section 512 is amended by adding at the end thereof the following new subsection:

"(d) WORKSCOPE.—The Secretary may amend, with the consent of the grant recipient, a grant agreement entered into under this title to change the workscope of a project funded under such grant if such amendment does not result in any increase in the maximum obligation of the United States authorized under subsection (b) of this section.".

(c) CONFORMING AMENDMENT.—Section 512(c) is amended by inserting "MAXIMUM OBLIGATION FOR GRANTS UNDER THE AIRPORT AND AIRWAY DEVELOPMENT OF 1970.—" before "Notwithstanding".

101 STAT. 1503 SEC. 111. PROJECT COSTS.

(a) AUTHORITY TO MODIFY CERTAIN LIMITATIONS ON EXPENDITURES FOR TERMINAL DEVELOPMENT.—

(1) OBLIGATION LIMITATION.—The first sentence of section 513(b)(2) is amended by striking out "Not more" and all that follows through "60 percent" and inserting in lieu thereof "All or any portion".

49 USC app. 2212

(2) MAXIMUM FEDERAL SHARE.—Section 513(b)(5) is amended by striking out "50 percent" and inserting in lieu thereof "75 percent".

(b) COSTS NOT ALLOWED.—Section 513(c) is amended—

(1) by striking out "or" the first place it appears; and

(2) by inserting before the period at the end thereof the following: "; or (3) the cost of decorative landscaping or the provision or installation of sculpture or art works".

(c) REIMBURSEMENT FOR CERTAIN ADVANCE EXPENDITURES.—Section 513 is amended by adding at the end thereof the following new subsection:

"(d) REIMBURSEMENT FOR CERTAIN ADVANCE EXPENDITURES.—

"(1) LETTERS OF INTENT.—

"(A) ANNOUNCEMENT OF INTENTION.—The Secretary is authorized to announce an intention to obligate for an airport development project (including formulation of the project) at a primary airport or a reliever airport under this subsection through the issuance of a letter of intent to the applicant.

"(B) SCHEDULE OF REIMBURSEMENT.—Subject to the provisions of this paragraph, a letter of intent issued under this paragraph shall establish a schedule under which the Secretary will make payments under paragraph (2) of this subsection to the sponsor of the airport at which the airport development project will be carried out.

"(C) LIMITATION ON PROJECTS ELIGIBLE FOR ADVANCE FUNDING.—The provisions of this subsection only apply to an airport development project—

"(i) regarding which the sponsor notifies the Secretary of the sponsor's intent to carry out such project before commencement of such project;

"(ii) which will be carried out in accordance with all applicable statutory and administrative requirements that would be applicable to the project if the project were being carried out with funds made available under this title; and

"(iii) which the Secretary determines will result in a significant enhancement of system-wide airport capacity and meets the criteria of section 507(c)(3).

Clause (i) shall not apply to a project which is commenced on or after November 20, 1987, and for which a letter of intent is signed under this subsection in the 90-day period beginning on the date of the enactment of this subsection.

"(D) LIMITATION ON EFFECT.—An action under subparagraph (A) shall not be deemed an obligation of the United States Government under section 1501 of title 31, United States Code, and a letter of intent issued under this paragraph shall not be deemed to be an administrative commitment for funding.

101 STAT. 1504

"(E) TREATMENT OF LETTER.—A letter of intent under this paragraph shall be regarded as an intention to obligate from future budget authority not to exceed an amount stipulated as the United States share of allowable project costs for the project under this subsection. No obligation or administrative commitment may be made pursuant to such a letter of intent except as funds are provided in authorization and appropriation Acts.

"(F) LIMITATIONS ON AGGREGATE AMOUNT.—The total estimated amount of future Federal obligations covered by all outstanding letters of intent under this paragraph shall not exceed the amount authorized to carry out section 505(a), less an amount reasonably estimated by the Secretary to be necessary for grants under section 505(a) which are not covered by a letter of intent.

"(2) REIMBURSEMENT.—If the Secretary issues under paragraph (1) a letter of intent to obligate funds for an airport development project (including formulation of the project) at a primary airport or reliever airport and if the sponsor of such airport proceeds with such project without the aid of funds under this title, the Secretary shall pay, as funds become available, the sponsor for the United States share of allowable project costs payable on account of such project in accordance with such letter of intent.".

SEC. 112. LIMITATION ON POWERS.

49 USC app. 2218.

Section 519 is amended—

(1) by inserting "(a) GENERAL RULE.—" before "The Secretary"; and

(2) by adding at the end thereof the following new subsection:

"(b) LIMITATIONS.—

"(1) WITHHOLDING OF APPROVAL.—The Secretary may not withhold approval of a grant application for funds apportioned under sections 507(a)(1), 507(a)(2), and 507(b)(5) for a violation of an assurance or other requirement of this title unless—

"(A) the Secretary provides the applicant with an opportunity for a hearing; and

"(B) within 180 days after the date of such application or the date the Secretary first knows of such noncompliance, whichever is later, the Secretary makes a determination that the violation has occurred.

"(2) WITHHOLDING OF PAYMENT.—The Secretary may not withhold a payment under any grant agreement entered into under this title for more than 180 days after the date such payment is due—

"(A) without providing the recipient of such payment with notice and an opportunity for a hearing; and

"(B) without determining that the grant recipient has violated such agreement.

"(3) EXTENSION OF TIME LIMITS.—The time limits established by paragraphs (1) and (2) of this section may be extended—

"(A) by mutual agreement of the Secretary and the grant applicant or recipient, as the case may be; or

"(B) at the discretion of the hearing officer if the hearing officer determines that such extension is necessary as a result of a failure of the applicant or recipient to adhere to the hearing schedule established by such officer.

101 STAT. 1505

"(4) JUDICIAL REVIEW.—A person aggrieved by an order of the Secretary withholding (A) approval of a grant application under paragraph (1), and (B) a payment under a grant agreement under paragraph (2), may obtain review of the order by petition to the Court of Appeals for the District of Columbia Circuit or the court of appeals for the circuit in which the project is located. Such petition shall be filed not later than 60 days after the date on which the order is served on the petitioner.".

SEC. 113. PART-TIME OPERATION OF FLIGHT SERVICE STATIONS.

Section 528 is amended to read as follows:

"SEC. 528. PART-TIME OPERATION OF FLIGHT SERVICE STATIONS.

49 USC app. 2224.

"(a) GENERAL RULE.—On or after July 15, 1987, the Secretary shall not close, or reduce the hours of operation of, any flight service station in any area unless the service provided in such area after the closure of such station or during the hours such station is not in

operation will be provided by an automated flight service station with model 1 or better equipment.

"(b) RULE FOR CERTAIN CLOSED STATIONS.—As soon as practicable after the date of the enactment of the Airport and Airway Safety and Capacity Expansion Act of 1987, the Secretary shall reopen any flight service station closed between March 25, 1987, and July 14, 1987, if the service provided in the area in which such station is located since the date of such closure has not been provided by an automated flight service station with model 1 or better equipment. The hours of operation for such station shall be the same as the hours of operation of such station on March 25, 1987. After reopening such station, the Secretary may only close or reduce the hours of operation of such station in accordance with subsection (a).".

49 USC app 2225.

SEC. 114. EXPLOSIVE DETECTION K-9 TEAMS.

Section 529 is amended—

(1) in the first sentence by striking out "shall" and inserting in lieu thereof "may"; and

(2) by striking out the second sentence.

Commerce and trade. 49 USC app. 2226.

SEC. 115. DENIAL OF FUNDS FOR PROJECTS USING PRODUCTS OR SERVICES OF FOREIGN COUNTRIES THAT DENY FAIR MARKET OPPORTUNITIES.

The Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new section:

"SEC. 533. DENIAL OF FUNDS FOR PROJECTS USING PRODUCTS OR SERVICES OF FOREIGN COUNTRIES THAT DENY FAIR MARKET OPPORTUNITIES.

"(a) IN GENERAL.—

"(1) PROHIBITION ON FUNDING.—No funds made available under this Act may be used to fund any project which uses any product or service of a foreign country during any period in which such foreign country is listed by the United States Trade Representative under subsection (c).

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply with respect to the use of a product or service in a project if the Secretary determines that—

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"(A) the application of paragraph (1) to such product, service, or project would not be in the public interest,

"(B) products of the same class or kind as such product or service are not produced or offered in the United States, or in any foreign country that is not listed under subsection (c), in sufficient and reasonably available quantities and of a satisfactory quality, or

"(C) exclusion of such product or service from the project would increase the cost of the overall project contract by more than 20 percent.

"(b) DETERMINATIONS.—

"(1) DEADLINE.—By no later than the date which is 30 days after the date on which each report is submitted to the Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)), the United States Trade Representative shall make a determination with respect to each foreign country of whether or not such foreign country—

"(A) denies fair and equitable market opportunities for products and suppliers of the United States in procurement, or

"(B) denies fair and equitable market opportunities for United States bidders,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country.

"(2) INFORMATION CONSIDERED.—In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the

report submitted under section 181 of the Trade Act of 1974 and such other information as the United States Trade Representative considers to be relevant.

"(c) LISTING OF FOREIGN COUNTRIES.—

"(1) GENERAL RULE.—The United States Trade Representative shall maintain a list of each foreign country with respect to which an affirmative determination is made under subsection (b).

"(2) REMOVAL FROM LIST.—Any foreign country that is added to the list maintained under paragraph (1) shall remain on the list until the United States Trade Representative determines that such foreign country does permit the fair and equitable market opportunities described in subparagraphs (A) and (B) of subsection (b)(1).

"(3) PUBLICATION.—The United States Trade Representative shall annually publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made between annual publications of the entire list. Federal Register, publication

"(d) SPECIAL RULES.—

"(1) For purposes of this section, each foreign instrumentality, and each territory or possession of a foreign country, that is administered separately for customs purposes shall be treated as a separate foreign country.

"(2) For purposes of this section, any article that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

"(3) For purposes of this section, any service provided by a person that is a national of a foreign country, or is controlled by nationals of a foreign country, shall be considered to be a service of such foreign country.". 101 STAT. 1507

SEC. 116. STATE BLOCK GRANT PILOT PROGRAM.

The Airport and Airway Improvement Act of 1982 is further amended by adding at the end the following new section:

"SEC. 534. STATE BLOCK GRANT PILOT PROGRAM.

"(a) PROMULGATION OF REGULATIONS; EFFECTIVE PERIOD.—Not later than 180 days after the date of the enactment of this section, the Secretary shall promulgate regulations to implement a State block grant pilot program to become effective on October 1, 1989. Such program shall not be effective after September 30, 1991. 49 USC app. 2227. Regulations

"(b) ASSUMPTION OF CERTAIN RESPONSIBILITIES.—Such regulations shall provide that the Secretary may designate not more than 3 qualified States to assume administrative responsibility for all airport grant funding available under this title, other than funding which has been designated for use at primary airports. Termination date. Regulations

"(c) SELECTION OF STATE PARTICIPANTS.—The Secretary shall select States for participation in such program on the basis of applications submitted to the Secretary. The Secretary shall select a State only if the Secretary determines that the State—

"(1) has an agency or organization capable of administering effectively any block grant made under this section;

"(2) uses a satisfactory airport system planning process;

"(3) uses a programming process acceptable to the Secretary;

"(4) has agreed to comply with Federal procedural and other standard requirements for administering any such block grant; and

"(5) has agreed to provide the Secretary with such program information as the Secretary may require.

Before determining that any planning process is satisfactory or any programming process is acceptable, the Secretary shall ensure that such process provides for meeting critical safety and security needs and that the programming process ensures that the needs of the

national airport system will be addressed in deciding to which projects funds will be provided.

"(d) REVIEW AND REPORT.—The Secretary shall conduct an ongoing review of the program established under this section, and shall, not later than 90 days before its scheduled termination, report to Congress the results of such review, together with recommendations for further action relating to the program.".

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

SEC. 201. AMENDMENT OF FEDERAL AVIATION ACT OF 1958.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301-1551).

SEC. 202. ESSENTIAL AIR SERVICE.

101 STAT. 1508

(a) FISCAL YEAR 1987.—

49 USC app. 1389

(1) TRANSFER OF OPERATIONAL AUTHORITY.—Section 419 is amended by adding at the end of subsection (a) the following new paragraph:

"(12) If an air carrier which is providing on or after October 1, 1987, essential air transportation under this subsection between an eligible point and an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft provides notice to the Secretary of its intention to suspend, terminate, or reduce such transportation and another air carrier is secured to provide such transportation on a continuing basis, the Secretary shall require the carrier suspending, terminating, or reducing such service to transfer any operational authority which such carrier has to conduct a landing or takeoff at such airport with respect to such service to the carrier secured to provide such service unless the carrier secured to provide such service does not need such authority or such authority is being used to provide air service with respect to more than 1 eligible point.".

(2) TERMINATION DATE.—Section 419(g) is amended by striking out "the last day" and all that follows through the period at the end thereof and inserting in lieu thereof "September 30, 1988.".

49 USC app. 1389 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect October 1, 1987.

(b) FISCAL YEARS 1988-1998.—

(1) GENERAL RULES.—Section 419 is amended to read as follows:

"SEC. 419. SMALL COMMUNITY AIR SERVICE.

"(a) ELIGIBLE POINT DEFINED.—For the purposes of this section, the term 'eligible point' means any point in the United States—

"(1) which is defined as an eligible point under this section as in effect before October 1, 1988, and which, at any time in the 12-month period ending on such date, received scheduled air transportation, and

"(2) which the Secretary determines is 45 highway miles or more from the nearest hub airport.

State and local governments.

"(b) BASIC ESSENTIAL AIR SERVICE.—

"(1) LEVEL OF SERVICE.—

"(A) DETERMINATION FOR ESSENTIAL AIR SERVICE POINTS.—With respect to each eligible point for which a determination of what constitutes essential air transportation was made under this section before October 1, 1988, the Secretary shall determine what is basic essential air service for such point. Such determination shall be made no later than the last day of the 1-year period beginning on the date of the enactment of the Airport and Airway Safety and Capacity Expansion Act of 1987 and only after consideration of

the views of any interested community and the State agency of the State in which such community is located.

"(B) DETERMINATION FOR OTHER POINTS.—With respect to each eligible point for which a determination of what constitutes essential air transportation was not made before October 1, 1988, the Secretary shall determine what is basic essential air service to such point if the Secretary receives notice that service to such point will be provided by only 1 air carrier. Such determination shall be made no later than the last day of the 6-month period beginning on the date on which the Secretary receives such notice and only after the Secretary considers the views of any interested community and the State agency of the State in which such community is located. The Secretary may impose such notice requirements as may be necessary to implement this subparagraph. 101 STAT. 1509

"(C) CONTINUATION OF REQUIREMENT; TRANSITION PROVISIONS.—An air carrier required to provide essential air transportation before October 1, 1988, to an eligible point shall be required to continue to provide such transportation to such point after such date and the level of such transportation shall be deemed to be basic essential air service for purposes of this subsection until a determination is made under subparagraph (A) with respect to such point. The rate of compensation in effect for essential air transportation before such date shall continue in effect until a new rate is determined in accordance with the guidelines under subsection (f) of this section.

"(D) REVIEW.—The Secretary shall periodically review the basic essential air service level for each eligible point, and may, based upon such review and consultations with the interested community and the State agency of the State in which such community is located, make appropriate adjustments to the basic essential air service level.

"(2) NOTICE REQUIRED BEFORE TERMINATION, SUSPENSION, OR REDUCTION IN SERVICE.—An air carrier may not terminate, suspend, or reduce air transportation to any eligible point below the level of basic essential air service established under paragraph (1) unless such air carrier has given the Secretary, the appropriate State agency or agencies, and the communities affected at least 90 days notice before such termination, suspension, or reduction.

"(3) DETERMINATION OF NEED FOR COMPENSATION.—

"(A) SELECTION OF CARRIER.—Whenever the Secretary determines that basic essential air service will not be provided to an eligible point without compensation, the Secretary shall provide notice that applications may be submitted by any air carrier that is willing to provide such service to such point for compensation under this subsection. In selecting an applicant to provide basic essential air service to a point for compensation the Secretary shall, among other factors, consider—

"(i) the applicant's demonstrated reliability in providing scheduled air service;

"(ii) the contractual and marketing arrangements that the applicant has made with a larger air carrier to assure service beyond the hub airport;

"(iii) the interline arrangements which the applicant has made with a larger air carrier which allow passengers and cargo of the applicant at the hub airport to be transported by such large carrier through one reservation, one ticket, and one baggage check-in;

"(iv) the preferences of the actual and potential users of air transportation at the eligible point, giving substantial weight to the views of elected officials representing such users; and

"(v) with respect to any eligible point in the State of Alaska, the experience of an applicant in providing Alaska.

101 STAT. 1510

scheduled air service, or significant patterns of non-scheduled air service pursuant to an exemption granted pursuant to section 416 of this title, in Alaska.

"(B) RATE OF COMPENSATION.—The Secretary shall establish, in accordance with the guidelines promulgated under subsection (f), the rate of compensation to be paid for providing basic essential air service under this subsection.

"(4) PAYMENT OF COMPENSATION.—The Secretary shall make payments of compensation under this subsection at times and in a manner determined by the Secretary to be appropriate. The Secretary shall continue to pay compensation to any air carrier to provide basic essential air service to an eligible point only for so long as the Secretary determines it is necessary in order to maintain basic essential air service to such point.

"(5) REQUIREMENT TO CONTINUE SERVICE.—If an air carrier has provided notice to the Secretary under paragraph (2) of such air carrier's intention to suspend, terminate, or reduce service to any eligible point below the level of basic essential air service to such point, and if at the conclusion of the applicable period of notice the Secretary has not been able to find another air carrier to provide basic essential air service to such point, the Secretary shall require the carrier which provided such notice to continue such service to such point for an additional 30-day period, or until another air carrier has begun to provide basic essential air service to such point, whichever first occurs. If at the end of such 30-day period the Secretary determines that no other air carrier can be secured to provide basic essential air service to such eligible point on a continuing basis, either with or without compensation, then the Secretary shall extend such requirement for such additional 30-day periods (making the same determination at the end of each such period) as may be necessary to continue basic essential air service to such eligible point until an air carrier can be secured to provide basic essential air service to such eligible point on a continuing basis.

"(6) COMPENSATION FOR CONTINUED SERVICE.—

"(A) CARRIERS RECEIVING COMPENSATION.—If an air carrier (i) which is providing air transportation to any eligible point, and (ii) which is receiving compensation under this subsection for providing such transportation, is required by the Secretary to continue service to such point beyond the date on which such carrier would, but for paragraph (5), be able to suspend, terminate, or reduce such service below the level of basic essential air service to such point, then after such date such carrier shall continue to receive such compensation until the Secretary secures another air carrier to provide basic essential air service to such point or the 90th day following such date, whichever is earlier. If, after such 90th day, the Secretary has not secured another air carrier to provide such service, the carrier required to continue to provide such service shall receive compensation in an amount sufficient—

"(i) to cover the carrier's fully allocated actual cost of performing the basic essential air service that was being provided at the time the 90-day notice of termination, suspension, or reduction of service is given to the Secretary under paragraph (2) plus a fair and reasonable return on investment which shall not be less than 5 percent of operating costs; and

101 STAT. 1511

"(ii) to provide the carrier an additional return which recognizes the demonstrated additional lost profits from opportunities foregone and the likelihood that such lost profits increase as the duration of the required basic essential air service increases.

"(B) CARRIERS NOT RECEIVING COMPENSATION.—If the Secretary requires an air carrier which is providing air

transportation to an eligible point without compensation pursuant to paragraph (4) to continue to provide basic essential air service to such point beyond the 90-day notice period after which, but for paragraph (5) of this subsection, such air carrier would be able to suspend, terminate, or reduce service to such point below basic essential air service for such point, then the Secretary shall compensate such air carrier in an amount sufficient—

"(i) to cover the carrier's fully allocated actual cost of performing the basic essential air service that was being provided at the time the 90-day notice of termination, suspension, or reduction of service is given to the Secretary under paragraph (2) plus a fair and reasonable return on investment which shall not be less than 5 percent of operating costs; and

"(ii) to provide the carrier an additional return which recognizes the demonstrated additional lost profits from opportunities foregone and the likelihood that such lost profits increase as the duration of the required basic essential air service increases.

"(7) TRANSFER OF OPERATIONAL AUTHORITY AT CERTAIN HIGH-DENSITY AIRPORTS.—If an air carrier which is providing basic essential air service under this subsection between an eligible point and an airport at which the Administrator limits the number of instrument flight rule takeoffs and landings of aircraft provides notice to the Secretary of its intention to suspend, terminate, or reduce such service and another air carrier is secured to provide such service on a continuing basis, the Secretary shall require the carrier suspending, terminating, or reducing such service to transfer any operational authority which such carrier has to conduct a landing or takeoff at such airport with respect to such service to the carrier secured to provide such service unless the carrier secured to provide such service does not need such authority or such authority is being used to provide air service with respect to more than 1 eligible point.

"(8) EFFORT TO SECURE CARRIERS.—During any period for which the Secretary requires an air carrier to continue providing air transportation to an eligible point which such air carrier has proposed to terminate, reduce, or suspend, the Secretary shall continue to make every effort to secure an air carrier to provide at least basic essential air service to such eligible point, on a continuing basis.

"(9) PROHIBITION ON CERTAIN REDUCTIONS IN SERVICE.—Unless the Secretary has determined what is basic essential air service for any eligible point pursuant to paragraph (1) of this subsection, the Secretary shall, upon petition of any appropriate representative of such point prohibit any termination, suspension, or reduction of air transportation which reasonably appears to deprive such point of basic essential air service, until the Secretary has completed such determination. 101 STAT. 1512

"(c) ENHANCED ESSENTIAL AIR SERVICE.—

"(1) PROPOSAL.—

State and local governments. Contracts.

"(A) SUBMISSION.—A State or local government may submit a proposal to the Secretary for enhanced essential air service to an eligible point with respect to which basic essential air service is being provided under subsection (b).

"(B) CONTENTS.—A proposal submitted under this subsection shall specify the level and type of enhanced essential air service which the State or local government considers appropriate. Such proposal shall also include an agreement relating to compensation required for the proposed enhanced essential air service. Such agreement shall be subject to the requirements of subparagraph (C).

"(C) COMPENSATION AGREEMENT.—The agreement relating to compensation included in the proposal submitted by a State or local government under this subsection shall either—

"(i) provide for the State or local government or any person to pay 50 percent of the compensation required for the proposed enhanced essential air service and for the Federal share of such compensation to be 50 percent; or

"(ii) provide for the Federal share for such compensation to be 100 percent and provide that, if the proposed service is not successful in terms of the criteria established under paragraph (3)(C) for not less than a 2-year period, the eligible point shall not be eligible for air service for which compensation is payable by the Secretary under this section.

"(2) ESTABLISHMENT OF SERVICE.—Not later than 90 days after receiving a proposal under paragraph (1), the Secretary shall issue a decision on the proposal. The Secretary shall approve such proposal unless the Secretary determines that such proposal is not reasonable. If the Secretary determines that such proposal is not reasonable, the Secretary shall disapprove such proposal and notify the State or local government submitting such proposal of such disapproval and the reasons therefor.

"(3) REVIEW.—

"(A) PROPOSALS FOR 50 PERCENT FEDERAL SHARE.—If the enhanced essential air service approved under this subsection is to be at a 50 percent Federal share, the Secretary shall periodically review the level and type of such service to an eligible point and may, based upon such review and consultations with the community and the government or person paying the non-Federal share, make appropriate adjustments to the level and type of enhanced essential air service to such point.

"(B) PROPOSALS FOR 100 PERCENT FEDERAL SHARE.—If the enhanced essential air service approved under this subsection is to be at a 100 percent Federal share, the Secretary shall periodically review air service provided to an eligible point under this subsection. If the Secretary finds, after consultation with the State or local government which submitted the proposal, that such service has not been successful in terms of the criteria established under subparagraph (C) for not less than a 2-year period, such eligible point shall not be eligible for air service for which compensation is payable by the Secretary under this section.

101 STAT. 1513

Regulations

"(C) CRITERIA OF SUCCESS.—The Secretary shall establish, by regulation, objective criteria for determining whether or not enhanced essential air service to an eligible point provided under this subsection is successful in terms of increasing passenger usage of the airport facilities at such point and reducing the amount of compensation provided by the Secretary under this subsection for such service.

"(4) NOTICE BEFORE TERMINATION, SUSPENSION, OR REDUCTION OF SERVICE.—An air carrier may not terminate, suspend, or reduce air transportation to an eligible point for which a determination of enhanced essential air service has been made below the level of such service approved by the Secretary under this subsection unless such carrier has given the Secretary, the community affected, and the government or person paying the non-Federal share at least 30 days' notice before such termination, suspension, or reduction. Nothing in this paragraph relieves an air carrier of its obligations under subsection (b).

"(5) PAYMENT OF COMPENSATION.—The Secretary shall make payments of compensation under this subsection at times and in a manner determined by the Secretary to be appropriate. The

Secretary shall continue to pay the compensation to an air carrier to provide enhanced essential air service to an eligible point only for so long as such carrier maintains the level of enhanced essential air service and the government or person agreeing to pay any non-Federal share continues to pay such share and only for so long as the Secretary determines it is necessary in order to maintain such service to such point.

"(6) PAYMENT OF NON-FEDERAL SHARE.—The Secretary may require appropriate payment in advance or such other security to assure that non-Federal payments for enhanced essential air service under this subsection are made on a timely basis.

"(7) COMPENSATION FOR ENHANCED ESSENTIAL AIR SERVICE DEFINED.—For purposes of this subsection, compensation for enhanced essential air service to an eligible point covers only those costs incurred for providing air service to such point which are in addition to the costs incurred for providing basic essential air service to such point under this section.

"(d) COMPENSATION FOR SERVICE TO OTHER SMALL COMMUNITIES.—

State and local governments.

"(1) PROPOSAL.—A State or local government may make a proposal to the Secretary for compensated air transportation in accordance with this subsection to a point that is not an eligible point under this section.

"(2) DETERMINATION OF ELIGIBILITY.—

"(A) DESIGNATION OF POINTS.—Not later than 90 days after the submission of a proposal under this subsection, the Secretary—

"(i) shall determine whether or not to designate the point for which such proposal is made as eligible to receive compensation under this subsection; and

"(ii) shall approve or disapprove such proposal and notify the State or local government submitting such proposal of such decision.

101 STAT. 1514

The Secretary shall approve such proposal if the State or local government submitting the proposal or any other person is willing and able to pay 50 percent of the cost of providing the proposed compensated air transportation; except that the Secretary shall disapprove such proposal if the Secretary determines that such proposal is not reasonable. In the case of disapproval of a proposal, the notification of such disapproval must include the reasons for such disapproval.

"(B) SMALL COMMUNITY SERVICE.—Notwithstanding subparagraph (A)(ii), the Secretary shall approve a proposal submitted under this subsection for compensated air transportation to a point in the 48 contiguous States and designate such point as eligible for compensation under this subsection—

"(i) if, at any time before October 23, 1978, the point was served by an air carrier that held a certificate issued under section 401;

"(ii) if the point is more than 50 miles from the nearest small hub airport or an eligible point;

"(iii) if the point is more than 150 miles from the nearest hub airport; and

"(iv) if the State or local government submitting the proposal or any other person is willing and able to pay 25 percent of the cost of providing the proposed compensated air transportation.

"(C) CRITERIA FOR DETERMINING REASONABLENESS.—In determining whether or not a proposal submitted under this subsection is reasonable, the Secretary shall consider, among other factors, the traffic generating potential of the point, the cost to the Federal Government of providing the proposed service, and the distance of the point from the closest hub airport.

"(D) WITHDRAWAL OF DESIGNATION.—After notice and an opportunity for any interested person to comment, the Secretary may withdraw the designation of a point under subparagraph (A) as eligible to receive compensation under this subsection if the point has received air service under this subsection for at least 2 years and the Secretary determines that withdrawal of that designation would be in the public interest. The Secretary shall establish, by regulation, standards for determining whether or not withdrawal of a designation under this paragraph is in the public interest. Such standards shall include, but not be limited to, the factors set forth in subparagraph (C).

Regulations

"(3) LEVEL OF SERVICE.—

"(A) INITIAL DETERMINATION.—If the Secretary designates a point under paragraph (2), the Secretary shall determine the level of service to be provided under this subsection. The Secretary shall determine such level after considering the views of any interested community, the State agency of the State in which the point is located, and the government or person agreeing to pay the non-Federal share of the cost of the proposed service. The Secretary shall determine such level not later than 6 months after the date on which the Secretary designates such point under paragraph (2).

101 STAT. 1515

"(B) REVIEW.—The Secretary shall periodically review the level of air service provided under this subsection and may, based upon such review and consultation with any interested community, any State agency of the State in which the community is located, and any government or person providing the non-Federal share of the compensation for the service, make appropriate adjustments in the level of service.

"(4) SELECTION OF CARRIER.—After making the determinations required by paragraph (3) with respect to a designated point, the Secretary shall provide notice that applications may be submitted by any air carrier that is willing to provide the level of air service determined under paragraph (3) with respect to such point. In selecting an applicant to provide such service the Secretary shall, among other factors, consider the factors set forth in subsection (b)(3)(A) and shall also consider the views of the government or person paying the non-Federal share of the cost of the service.

"(5) NON-FEDERAL SHARE.—Except as provided in paragraph (2)(B), the non-Federal share for compensation required for providing air service under this subsection shall be 50 percent.

"(6) NOTICE BEFORE TERMINATION, SUSPENSION, OR REDUCTION OF SERVICE.—An air carrier may not terminate, suspend, or reduce air transportation to an eligible point for which compensation is paid under this subsection below the level of such service established by the Secretary under paragraph (3) unless such carrier has given the Secretary, the community affected, and the government or person paying the non-Federal share at least 30 days' notice before such termination, suspension, or reduction.

"(7) PAYMENT OF COMPENSATION.—The Secretary shall make payments of compensation under this subsection at times and in a manner determined by the Secretary to be appropriate. The Secretary shall continue to pay compensation to an air carrier to provide service to a point designated under this subsection only for so long as such carrier maintains such service and the government or person agreeing to pay the non-Federal share continues to pay such share and only for so long as the Secretary determines it is necessary in order to maintain such service to such point.

"(8) PAYMENT OF NON-FEDERAL SHARE.—The Secretary may require appropriate payment in advance or such other security

to assure that the non-Federal payments for air service under this subsection are timely made.

"(e) FITNESS.—

"(1) GENERAL RULE.—Notwithstanding section 416(b) of this title, the Secretary shall prohibit any air carrier from providing service to an eligible point and from providing service to a point designated under subsection (d), unless the Secretary determines that such air carrier—

"(A) is fit, willing, and able to perform such service; and

"(B) that all aircraft which will be used to perform such service and all operations relating to such service will conform to the safety standards established by the Administrator.

"(2) LIMITATION ON COMPENSATION.—The Secretary may not pay compensation to any air carrier for providing air service under this section unless the Secretary finds that such carrier is able to provide the air service in a reliable manner. 101 STAT. 1516

"(f) GUIDELINES FOR COMPENSATION.—The Secretary shall establish guidelines to be used in computing the fair and reasonable amount of compensation required to ensure the continuation of air service under this section. Such guidelines shall provide for a reduction in compensation in any case in which an air carrier fails to perform any agreed upon air service. Such guidelines shall take into account amounts needed by air carriers to promote public use of the service for which compensation is to be made and shall include expense elements based upon representative costs of air carriers providing scheduled air transportation of persons, property, and mail, using aircraft of the type determined by the Secretary to be appropriate for providing such service. Amounts needed for promotion of such service shall be a special, segregated element of the required compensation.

"(g) DEADLINE FOR PAYMENT OF COMPENSATION.—Not later than 15 days after receiving a written claim for compensation from an air carrier for providing air service under this section, the Secretary shall pay the Federal share of such claim or deny payment of the Federal share of such claim and notify the carrier of such denial and the reasons therefor.

"(h) INSURANCE.—An air carrier shall not receive compensation under this section unless such air carrier complies with regulations or orders issued by the Secretary governing the filing and approval of policies of insurance or plans for self-insurance in the amount prescribed by the Secretary which are conditioned to pay, within the amount of such insurance, amounts for which such air carrier may become liable for bodily injuries to or the death of any person, or for loss of or damage to property of others, resulting from the operation or maintenance of aircraft.

"(i) CARRIER OBLIGATIONS.—If 2 or more air carriers enter into an agreement to operate under or use a single air carrier designator code to provide air transportation, the air carrier whose code is being used under such agreement shall share responsibility with the other carriers for the quality of service provided under such code to the public by such other carriers.

"(j) ENCOURAGEMENT OF JOINT AIR SERVICE PROPOSALS.—The Secretary shall encourage the submission of joint proposals by 2 or more air carriers for providing air service under this section through arrangements which will maximize service to and from major destinations beyond the hub.

"(k) DEFINITIONS.—For purposes of this section—

"(1) BASIC ESSENTIAL AIR SERVICE.—The term 'basic essential air service' means scheduled air transportation of persons and cargo to a hub airport (or, in any case in which the nearest hub airport is more than 400 miles and in the case of Alaska, to a small hub or nonhub airport) which has convenient connecting or single-plane air service to a substantial number of destinations beyond such airport. Such transportation shall include, at least, the following elements:

"(A)(i) with respect to a point not in the State of Alaska, 2 daily round trips 6 days per week, with not more than 1 intermediate stop on each flight; or

"(ii) with respect to a point in the State of Alaska, a level of service that is not less than that which existed in calendar year 1976, or 2 round trips per week, whichever is greater, unless otherwise specified under an agreement between the Secretary and the State agency of the State of Alaska, after consultation with the community affected;

101 STAT. 1517

"(B) flights at reasonable times taking into account the needs of passengers with connecting flights at such airport and at rates, fares, and charges which are not excessive when compared to the generally prevailing fares of other air carriers for like service between similar pairs of points;

"(C) with respect to a point not in the State of Alaska, service provided in an aircraft with an effective capacity of at least 15 passengers if the average daily enplanements at such point in any calendar year beginning after December 31, 1975, and ending on or before December 31, 1986, exceeded 11 passengers unless—

"(i) requiring such service would require the payment of compensation in a fiscal year under subsection (b)(4) or (b)(6) with respect to such point when no compensation under such subsection would otherwise be paid with respect to such point in such fiscal year; or

"(ii) the community concerned agrees in writing with the Secretary to the use of smaller aircraft to provide service to such point;

"(D) service which accommodates the estimated passenger and cargo traffic at an average load factor of not greater than—

"(i) 50 percent, or

"(ii) in any case in which such service is being provided with aircraft with 15 passenger seats or more, 60 percent,

for each class of traffic taking into account seasonal demands for such service;

"(E) service provided in an aircraft with at least 2 engines and using 2 pilots, unless scheduled air transportation in aircraft with at least 2 engines and using 2 pilots has not been provided with respect to the point on each of 60 consecutive operating days at any time since October 31, 1978; and

"(F) in the case of service which regularly exceeds 8,000 feet in altitude, service provided with pressurized aircraft.

"(2) ENHANCED ESSENTIAL AIR SERVICE.—The term 'enhanced essential air service' means scheduled air transportation to an eligible point of a higher level or quality than basic essential air service.

"(3) HUB AIRPORT.—The term 'hub airport' means an airport that annually has 0.25 percent or more of the total annual enplanements in the United States.

"(4) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that annually has less than 0.05 percent of the total annual enplanements in the United States.

"(5) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that annually has 0.05 percent or more, but less than 0.25 percent, of the total annual enplanements in the United States.

Termination date

"(l) DURATION OF PROGRAM.—This section shall not be in effect after September 30, 1998.".

(2) CONFORMING AMENDMENT.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is

amended by striking out the item relating to section 419 and inserting in lieu thereof the following: 101 STAT. 1518

"Sec. 419. Small community air service.
"(a) Eligible point defined.
"(b) Basic essential air service.
"(c) Enhanced essential air service.
"(d) Compensation for service to other small communities.
"(e) Fitness.
"(f) Guidelines for compensation.
"(g) Deadline for payment of compensation.
"(h) Insurance.
"(i) Carrier obligations.
"(j) Encouragement of joint air service proposals.
"(k) Definitions.
"(l) Duration of program."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect October 1, 1988. 49 USC app. 1389 note

SEC. 203. AIRCRAFT COLLISION AVOIDANCE SYSTEMS. 49 USC app. 1421 note

(a) FINDINGS.—Congress finds that—

(1) the number of near midair collisions is an indication that additional measures must be taken to assure the highest level of air safety in the United States;

(2) public health and safety requirements necessitate the timely completion and installation of a collision avoidance system for use by commercial aircraft flying in the United States;

(3) the Traffic Alert and Collision Avoidance System promises to reduce the threat to life caused by midair collisions, particularly collisions between general aviation aircraft and commercial aircraft;

(4) the Traffic Alert and Collision Avoidance System will succeed only to the degree that other aircraft posing a collision threat use operating transponders with automatic altitude reporting capability; and

(5) the Federal Aviation Administration should continue at a deliberate pace the development of additional technologies, including the collision avoidance system known as TCAS-III, to ensure the safe separation of aircraft.

(b) GENERAL RULES.—Section 601 is amended by adding at the end the following new subsection: 49 USC app. 1421

"(f) COLLISION AVOIDANCE SYSTEMS.—

"(1) DEVELOPMENT AND CERTIFICATION.—

"(A) STANDARDS.—The Administrator shall complete development of the collision avoidance system known as TCAS-II so that such system will be operable under visual and instrument flight rules and will be upgradable to the performance standards applicable to the collision avoidance system known as TCAS-III.

"(B) SCHEDULE.—The Administrator shall develop and implement a schedule for development and certification of the collision avoidance system known as TCAS-II which will result in completion of such certification not later than 18 months after the date of the enactment of this subsection.

"(C) MONTHLY REPORTS.—The Administrator shall transmit to Congress monthly reports on the progress being made in development and certification of the collision avoidance system known as TCAS-II. 101 STAT. 1519

"(2) INSTALLATION.—The Administrator shall require by regulation that, not later than 30 months after the date of certification of the collision avoidance system known as TCAS-II, such system be installed and operated on each civil aircraft which has a maximum passenger capacity of more than 30 seats and which is used to provide air transportation of passengers, including intrastate air transportation of passengers. Regulations

Regulations

"(3) TRANSPONDERS.—Not later than 6 months after the date of the enactment of this subsection, the Administrator shall promulgate a final rule requiring the installation and use of operating transponders with automatic altitude reporting capability for aircraft operating in designated terminal airspace where radar service is provided for separation of aircraft. For such terminal airspace, other than Terminal Control Areas and Airport Radar Service Areas, the Administrator may provide for access to such airspace by nonequipped aircraft if the Administrator determines that such access will not interfere with the normal traffic flow. Such final rule shall require the installation and use of such transponders not later than 36 months after the date of the enactment of this subsection.".

(c) CONFORMING AMENDMENT.—That portion of table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading

"Sec. 601. General safety powers and duties."

is amended by adding at the end the following:

"(f) Collision avoidance systems.".

(d) COMPLETION OF RESEARCH AND DEVELOPMENT.—

49 USC app. 1421 note

(1) GENERAL RULE.—The Administrator shall complete the research and the development on, and the certification of, the collision avoidance system known as TCAS-III as soon as possible.

(2) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary from the Airport and Airway Trust Fund to carry out this subsection.

SEC. 204. CIVIL PENALTIES.

49 USC app. 1471

(a) FOR HAZARDS TO COMMERCE.—Section 901(a)(1)(A) is amended by striking out "1114," and inserting in lieu thereof "1101 or 1114,".

(b) INCREASED PENALTY FOR AIR CARRIERS.—The first sentence of section 901(a)(1) is amended by inserting after "$1,000 for each such violation," the following: "except that a person who operates aircraft for the carriage of persons or property for compensation or hire (other than an airman serving in the capacity of an airman) shall be subject to a civil penalty not to exceed $10,000 for each violation of title III, VI, or XII of this Act, or any rule, regulation, or order issued thereunder, occurring after the date of the enactment of the Airport and Airway Safety and Capacity Expansion Act of 1987, and".

(c) CLARIFICATION OF DETERMINATION OF PENALTY.—The second sentence of section 901(a)(1) is amended by inserting ", or each flight with respect to which such violation is committed, if applicable," after "each day of such violation".

(d) COMPROMISE.—Section 901(a)(2) is amended by inserting ", or of section 1101, 1114, or 1115(e)(2)(B)," after "XII".

101 STAT. 1520

(e) PENALTY FOR INTERFERENCE WITH AIRCRAFT ACCIDENT INVESTIGATIONS.—Section 902(p) is amended by striking out "shall be subject to a fine of no less than $100 nor more than $5,000, or imprisonment for not more than one year, or both" and inserting in lieu thereof "shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both".

49 USC app. 1472

(f) SECURED AREAS OF AIRPORTS.—Section 902 is amended—

(1) in subsection (o) by inserting "and subsection (r)" after "inclusive,"; and

(2) by adding at the end thereof the following new subsection:

"(r) SECURED AREAS OF AIRPORTS.—

"(1) VIOLATION.—It shall be unlawful for any person to knowingly and willfully enter an aircraft or an airport area that serves air carriers or foreign air carriers contrary to security requirements established pursuant to section 315 or 316 of this Act.

"(2) GENERAL PENALTY.—Upon conviction of a violation of paragraph (1), a person shall be subject to imprisonment for a term not to exceed 1 year or a fine not to exceed $1,000, or both.

"(3) PENALTY FOR VIOLATIONS IN CONNECTION WITH FELONIES.—If any person violates paragraph (1) of this subsection with the intent to commit in the aircraft or secured area an act punishable as a felony under Federal or State law, such person shall be subject to imprisonment for a term not to exceed 10 years or a fine not to exceed $10,000, or both.".

(g) DEMONSTRATION PROGRAM.—Title IX is amended by adding at the end thereof the following new section:

"SEC. 905. CIVIL PENALTY ASSESSMENT DEMONSTRATION PROGRAM. 49 USC app. 1475.

"(a) CIVIL PENALTY.—The Administrator, or his delegate, may assess a civil penalty for a violation arising under this Act or a rule, regulation, or order issued thereunder, upon written notice and finding of violation by the Administrator.

"(b) NO REEXAMINATION OF LIABILITY OR AMOUNT.—In the case of a civil penalty assessed by the Administrator in accordance with this section, the issue of liability or amount of civil penalty shall not be reexamined in any subsequent suit for collection of such civil penalty.

"(c) CONTINUING JURISDICTION OF DISTRICT COURTS.—Notwithstanding subsection (a) of this section, the United States district courts shall have exclusive jurisdiction of any civil penalty action initiated by the Administrator (1) which involves an amount in controversy in excess of $50,000; (2) which is an in rem action or in which an in rem action based on the same violation has been brought; (3) regarding which an aircraft subject to lien has been seized by the United States; and (4) in which a suit for injunctive relief based on the violation giving rise to the civil penalty has also been brought.

"(d) LIMITATIONS.—

"(1) HEARING.—A civil penalty may be assessed under this section only after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.

"(2) VIOLATIONS.—This section only applies to civil penalties initiated by the Administrator after the date of the enactment of this section.

101 STAT. 1521

"(3) MAXIMUM AMOUNT.—The maximum amount of a civil penalty which may be assessed under this section in any case may not exceed $50,000.

"(4) EFFECTIVE PERIOD.—The provisions of this section shall only be in effect for the 2-year period beginning on the date of the enactment of this section.".

(h) CONFORMING AMENDMENTS.—That portion of the table of contents contained in section 1 of the Federal Aviation Act of 1958 relating to title IX of the Federal Aviation Act of 1958 is amended—

(1) by inserting

"(r) Secured areas of airports."

after

"(q) Transporting controlled substances without airman certificate."; and

(2) by adding at the end thereof the following:

"Sec. 905. Civil penalty assessment demonstration program.".

(i) EFFECTIVENESS REVIEWED.— 49 USC app. 1475 note.

(1) STUDY.—The Administrator shall conduct a study on the effectiveness of the amendments made by this section to the Federal Aviation Act of 1958.

(2) REPORT.—Not later than 18 months after the date of enactment of this section, the Administrator shall transmit to Congress a report on the results of the study conducted under this subsection. The report shall include (A) the Administrator's views concerning the effectiveness of civil penalty levels estab-

lished by the amendments made by this section and whether additional changes to the civil penalty program conducted under title IX of such Act are necessary to provide an adequate safety deterrence; and (B) the Administrator's recommendation as to the effectiveness of the civil penalty assessment demonstration program authorized by section 905 of the Federal Aviation Act of 1958 and whether it should be continued.

SEC. 205. INDEMNIFICATION OF FEDERAL AVIATION ADMINISTRATION EMPLOYEES.

49 USC app. 1354.

Section 313 is amended by adding at the end thereof the following new subsection:

"(e) INDEMNIFICATION.—The Administrator is empowered to indemnify any officer or employee of the Federal Aviation Administration against any claim or judgment against such person if such claim or judgment arises out of an act or acts committed, as determined by the Administrator, within the scope of such person's official duties. The Administrator may issue such regulations as may be necessary to implement this subsection.".

SEC. 206. HAZARDS TO SAFE AND EFFICIENT AIR COMMERCE AND THE PRESERVATION OF NAVIGABLE AIRSPACE AND AIRPORT TRAFFIC CAPACITY.

49 USC app. 1501.

Section 1101 is amended to read as follows:

"**SEC. 1101. HAZARDS TO SAFE AND EFFICIENT AIR COMMERCE AND THE PRESERVATION OF NAVIGABLE AIRSPACE AND AIRPORT TRAFFIC CAPACITY.**

"(a) NOTICE OF CONSTRUCTION.—The Secretary of Transportation (hereinafter in this section referred to as the 'Secretary') shall, by rules and regulations, or by order where necessary, require all persons to give adequate public notice, in the form and manner prescribed by the Secretary, of the construction or alteration, or of the proposed construction or alteration, of any structure where notice will promote safety in air commerce as well as the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports.

101 STAT. 1522

"(b) AERONAUTICAL STUDIES.—

"(1) REQUIREMENT.—Where the Secretary determines, according to rules and regulations, that the construction or alteration of any structure may constitute an obstruction of navigable airspace or an interference with air navigation facilities and equipment or navigable airspace, the Secretary shall conduct an aeronautical study to determine the extent of the adverse impact, if any, on the safe and efficient use of such airspace, facilities, or equipment.

"(2) FACTORS TO CONSIDER.—When conducting an aeronautical study under this subsection to determine the impact of the construction or alteration of a structure, the Secretary shall thoroughly consider, according to rules and regulations, all factors relevant to the efficient and effective use of the navigable airspace, and shall consider the following:

"(A) The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules.

"(B) The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules.

"(C) The impact on all existing public-use airports and aeronautical facilities.

"(D) The impact on all planned public-use airports and aeronautical facilities.

"(E) The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures.

"(3) REPORT.—Upon completion of an aeronautical study under this subsection, the Secretary shall issue a report fully disclosing the extent of the adverse impact on the safe and efficient use of the navigable airspace which the Secretary determines will result from the construction or alteration of a structure.

"(c) COORDINATION.—In the administration of laws relating to broadcast applications and the conduct of aeronautical studies relating to broadcast towers, the Federal Communications Commission and the Federal Aviation Administration shall take such action as may be necessary to efficiently coordinate the receipt, consideration of, and action upon such applications and the completion of associated aeronautical studies.". Communications and telecommunications.

(b) CONFORMING AMENDMENT.—That portion of table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by striking out

"Sec. 1101. Hazards to air commerce."

and inserting in lieu thereof

101 STAT. 1523

"Sec. 1101. Hazards to safe and efficient air commerce and the preservation of navigable airspace and airport traffic capacity.".

SEC. 207. PUBLIC AIRCRAFT DEFINED.

Section 101(36) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, 'used exclusively in the service of' means, for other than the Federal Government, an aircraft which is owned and operated by a governmental entity for other than commercial purposes or which is exclusively leased by such governmental entity for not less than 90 continuous days.". 49 USC app. 1301

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. NOISE ABATEMENT.

(a) NOTICE AND HEARING REQUIREMENT.—The first sentence of section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2104(a)) is amended by inserting after "any air carriers using such airport" the following: "and after notice and an opportunity for a public hearing". State and local governments.

(b) FEDERAL SHARE.—Section 104(c)(1) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2104(c)(1)) is amended by inserting before the period at the end of the fourth sentence the following: "or the Federal share which would be applicable to such project if the funds made available for such project were being made available under the Airport and Airway Improvement Act of 1982 for a project at the airport, whichever percentage is greater".

(c) SOUNDPROOFING OF SCHOOLS AND HOSPITALS.—Section 104(c) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. App. 2104(c)) is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for any project to soundproof any public building (A) which is used primarily for educational or medical purposes in the noise impact area surrounding such airport, and (B) which is determined to be adversely affected by airport noise.". Grants.

(d) PROCEDURES FOR PREPARATION AND SUBMISSION OF NOISE COMPATIBILITY PROGRAMS.— 49 USC app. 2104 note.

(1) STUDY.—The Secretary shall conduct a study of the procedures established under the Aviation Safety and Noise Abatement Act of 1979 for the preparation and submission of noise compatibility programs. The objectives of such study shall be to determine whether or not such procedures could be revised to

provide a more simplified process which meet the objectives of such Act and to determine whether or not expedited and simplified procedures which meet the objectives of such Act could be developed to take into account special circumstances at certain airports.

(2) CONSULTATION REQUIREMENT.—In undertaking the study under this subsection, the Secretary shall consult airports, airport users (including air carriers), representatives of persons residing in areas surrounding airports, concerned Federal, State, and local officials, and other interested persons.

101 STAT. 1524

(3) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1) together with recommendations.

Grants

(4) FUNDING DURING STUDY.—

(A) CONGRESSIONAL INTENT.—It is the intention of Congress that the authority of the Secretary to make grants under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 to airport operators and units of local government to implement noise compatibility programs that were developed prior to the promulgation of implementing regulations under such Act if the Secretary determines that such programs would further the purposes of such Act shall continue until such programs are fully implemented but not later than the last day of the 18-month period beginning on the date of the enactment of this Act, notwithstanding any other provision of law and any rule or regulation promulgated pursuant to any other provision of law.

(B) CONTINUATION.—In order to carry out the intent specified in subparagraph (A), grants may continue to be made under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 for noise compatibility programs or projects previously approved under such program during the 18-month period beginning on the date of the enactment of this Act, if—

(i) the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(ii) the Secretary determines that such programs or projects are compatible with the purposes of such Act.

(e) EXISTING NOISE ABATEMENT PROPOSALS.—

(1) REVIEW.—The Administrator shall conduct a study of noise abatement proposals under consideration by airport operators and local governments for the purpose of identifying those proposals which, under existing law or administrative policy, are not currently eligible for Federal assistance and determining whether or not such proposals should be made eligible for Federal assistance.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with recommendations concerning modifications in existing law and administrative policy for making additional noise abatement proposals eligible for Federal assistance.

49 USC app 1348 note

SEC. 302. AIR TRAFFIC CONTROLLER WORKFORCE.

(a) MINIMUM NUMBER OF AIR TRAFFIC CONTROLLERS.—The Administrator shall hire such additional persons as are necessary to make the number of persons employed in the air traffic control workforce on September 30, 1988, not less than 15,900.

(b) AIR TRAFFIC CONTROL WORKFORCE DEFINED.—For purposes of this section, the term "air traffic control workforce" means persons employed by the Federal Aviation Administration (including persons employed as traffic management coordinators and air traffic control first line supervisors) a substantial part of whose duties

include separating and controlling air traffic. Such term does not include any air traffic assistant and any student at an air traffic control academy. 101 STAT. 1525

SEC. 303. SAFETY RULEMAKING PROCEEDINGS.

49 USC app. 1421 note.

(a) FLOATATION EQUIPMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to consider requiring (1) adequate, uniform life preservers, life rafts, and floatation devices for passengers, including small children and infants, on any flight of an air carrier which the Secretary determines a part of which flight will occur over water, and (2) adequate information and instructions as to the use of such preservers, rafts, and floatation devices.

(b) IMPROVED CRASHWORTHINESS STANDARDS FOR AIRCRAFT SEATS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to consider requiring all seats on board all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards for crashworthiness.

(c) COCKPIT VOICE RECORDERS AND FLIGHT DATA RECORDERS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to consider the use of cockpit voice recorders and flight data recorders on commuter aircraft and other aircraft, commensurate with the recommendations of the National Transportation Safety Board.

(d) MONTHLY STATUS REPORTS.—The Secretary shall transmit to Congress monthly status reports on the rulemaking proceedings being conducted under subsections (a), (b), and (c) of this section.

(e) AIRCRAFT DESIGN AND EQUIPMENT.—

(1) STUDY.—The Secretary shall conduct a study pertaining to aircraft design and equipment which minimize the incidence of fire or explosion, including fuel tanks (including crash resistant inner fuel tanks and breakaway, self-closing fittings throughout the fuel system).

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this subsection, together with recommendations.

(f) REPORT ON MODERNIZATION RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to Congress on specific regulations the Secretary has adopted or intends to adopt to modernize and improve the oversight and inspection of air carrier maintenance and safety-related procedures.

SEC. 304. INFLATION ADJUSTMENT ON COLLECTION OF CERTAIN AVIATION FEES.

Section 334 of title 49, United States Code, is amended by inserting before the period at the end of the first sentence the following: ", adjusted in proportion to changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor between January 1, 1973, and the date the charge is imposed".

SEC. 305. AMENDMENTS TO THE NATIONAL DRIVER REGISTER ACT.

(a) EXPANSION OF COVERAGE.—Section 206(a)(1) of the National Driver Register Act of 1982 (23 U.S.C. 401 note) is amended by striking out "highway" and inserting in lieu thereof "transportation". 101 STAT. 1526

23 USC 401 note.

(b) APPLICANTS FOR AIRMEN'S CERTIFICATES.—Section 206(b) of such Act is amended—

(1) by redesignating paragraphs (3) and (4), and any reference thereto, as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Any individual who has applied for or received an airman's

certificate may request the chief driver licensing official of a State to transmit information regarding the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator of the Federal Aviation Administration may receive such information and shall make such information available to the individual for review and written comment. The Administrator shall not otherwise divulge or use such information, except to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards as prescribed by the Administrator to be issued an airman medical certificate. There shall be no access to information in the Register under this paragraph if such information was entered in the Register more than 3 years before the date of such request, unless such information relates to revocations or suspensions which are still in effect on the date of the request. Information submitted to the Register by States under the Act of July 14, 1960 (74 Stat. 526), or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

(c) CONFORMING AMENDMENTS.—Section 206(b) of such Act is further amended by adding at the end of each of paragraphs (1), (2), and (4) (as redesignated by subsection (b) of this section) the following new sentence: "Information submitted to the Register by States under the Act of July 14, 1960 (74 Stat. 526), and under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

SEC. 306. LOW ACTIVITY LEVEL I AIR TRAFFIC CONTROL TOWER CONTRACT PROGRAM.

The Secretary shall continue in effect the low activity (VFR) Level I air traffic control tower contract program established under section 526 of the Airport and Airway Improvement Act of 1982 with respect to existing contract towers and shall extend such program to other towers as practicable.

Contracts.

SEC. 307. ELIGIBILITY OF DERMOTT, ARKANSAS, MUNICIPAL AIRPORT.

In the administration of the provisions of the Airport and Airway Improvement Act of 1982, the municipal airport of the city of Dermott, Arkansas, shall not be denied eligibility for assistance under such Act on the basis that such airport is located on leased land, if such lease is for a period of at least 99 years, and if the land so leased consists of at least 25 acres.

Regulations.
49 USC app. 1348 note.

SEC. 308. STANDARDS FOR NAVIGATIONAL AIDS.

101 STAT. 1527

Not later than December 31, 1988, the Secretary shall promulgate regulations to establish criteria for the installation of airport control towers and other navigational aids. For each type of facility, the regulations shall, at a minimum, consider traffic density (number of aircraft operations without consideration of aircraft size), terrain and other obstacles to navigation, weather characteristics, passengers served, and potential aircraft operating efficiencies.

49 USC app. 2203 note.

SEC. 309. LONG-TERM AIRPORT CAPACITY NEEDS.

(a) STUDY.—The Secretary shall conduct a study for the purpose of developing an overall airport system plan through the year 2010 which will assure the long-term availability of adequate airport system capacity.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a preliminary report on the status of the plan being developed under subsection (a).

(2) FINAL REPORT.—Not later than January 1, 1990, the Secretary shall transmit to Congress a final report on the results of the study conducted under subsection (a), together with the plan developed under such subsection.

(c) FUNDING.—There shall be available to the Secretary from the Airport and Airway Trust Fund $250,000 per fiscal year for each of fiscal years 1988 and 1989 for carrying out this section. Such funds shall remain available until expended.

SEC. 310. RADIO NAVIGATION SYSTEMS.

49 USC app. 1348 note.

(a) SYNCHRONIZATION.—

(1) LORAN-C MASTER TRANSMITTERS.—Not later than September 30, 1989, the Secretary shall take such action as may be necessary to synchronize all loran-C master transmitters located in the United States and all loran-C master transmitters subject to the jurisdiction of the United States. Each such master transmitter shall be synchronized to within approximately 100 nanoseconds of universal time.

(2) OTHER LORAN-C TRANSMITTERS.—

(A) IMPACT STUDY.—The Secretary shall conduct a study of the impact on users of loran-C transmitted signals of synchronizing time of signal transmissions among all secondary loran-C transmitters in the United States in accordance with the standard set forth in the second sentence of paragraph (1).

(B) REPORT.—Not later than September 30, 1989, the Secretary shall transmit to Congress a report on the results of the study conducted under subparagraph (A).

(3) AUTHORIZATION.—There shall be available for carrying out this subsection from the Airport and Airway Trust Fund $750,000 for fiscal year 1988 and $500,000 for fiscal year 1989. Such funds shall remain available until expended.

(b) INTEROPERABILITY OF RADIO NAVIGATION SYSTEMS.—

(1) STUDY.—The Secretary shall study and evaluate methods of coordinating the time references of the loran-C transmitter system and the global positioning satellite system to within approximately 30 nanoseconds of each other for the purpose of making possible the interchange of positioning data between the 2 systems.

101 STAT. 1528

(2) REPORT.—Not later than September 30, 1989, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

(3) AUTHORIZATION.—There shall be available for carrying out this subsection from the Airport and Airway Trust Fund $500,000 for fiscal year 1988. Such funds shall remain available until expended.

(c) DEVELOPMENT OF MINIMUM STANDARDS.—Not later than September 30, 1989, the Administrator shall establish by regulation minimum standards under which a radio navigation system may be certified as the sole radio navigation system required in an aircraft for operation in airspace of the United States.

Regulations.

SEC. 311. REPORTING OF ACCIDENTS TO NTSB.

(a) GENERAL RULE.—Section 304(a)(6) of the Independent Safety Board Act of 1974 (49 U.S.C. App. 1903(a)(6)) is amended to read as follows:

"(6) establish by regulation requirements binding on persons reporting (A) accidents and aviation incidents subject to the Board's investigatory jurisdiction under this subsection, and (B) accidents and aviation incidents involving public aircraft other than aircraft of the Armed Forces and the Intelligence Agencies;".

Regulations.

49 USC app. 1903 note.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the National Transportation Safety Board shall report to the Congress its findings on public aircraft accidents and incidents.

New Jersey.

SEC. 312. ATLANTIC CITY AIRPORT.

(a) LIMITATION ON FUNDING OR TRANSFERS OF PROPERTY.—Notwithstanding any other provision of law, with regard to the Atlantic City Airport, at Pomona, New Jersey, the Federal Aviation Administration shall not convey any interest in property (pursuant to section 516 of the Airport and Airway Improvement Act of 1982) to any municipality or any other entity operating such airport, nor shall any funds authorized to be appropriated for fiscal year 1987 by such Act be available to such municipality or entity for any planning, study, design, engineering, or construction of a runway extension, new runway, new passenger terminal, or improvements to or expansion of the existing passenger terminal at such airport, until such time as—

(1) the master plan update for Atlantic City Airport and Bader Field, prepared pursuant to Federal Aviation Administration Contract FA-EA-2656, is completed and released; and

(2) the Administrator finds that a public entity has been created to operate and manage the Atlantic City Airport, which entity has the following characteristics:

Contracts.

(A) the authority to enter into contracts and other agreements, including contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States;

(B) the standing to sue and be sued in its own name;

(C) the authority to hire and dismiss officers and employees;

101 STAT. 1529

(D) the power to adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

Real property.

(E) the authority to acquire, in its own name, an interest in such real or personal property as is necessary or appropriate for the operation and maintenance of the airport;

(F) the power to acquire property by the exercise of the right of eminent domain;

Securities.

(G) the power to borrow money by issuing marketable obligations, or such other means as is permissible for public authorities under the laws of the State of New Jersey;

(H) adequate financial resources to carry out all activities which are ordinarily necessary and appropriate to operate and maintain an airport;

(I) a governing board which includes (but need not be limited to) voting representatives of the city of Atlantic City, the county of Atlantic, and the municipalities which are adjacent to or are directly impacted by the airport;

(J) a charter which includes (i) a requirement that members of the governing board have expertise in transportation, finance, law, public administration, aviation, or such other qualifications as would be appropriate to oversee the planning, management, and operation of an airport, and (ii) procedures which protect the research and development mission of the Federal Aviation Technical Center at Pomona, New Jersey, and the defense functions of the Air National Guard; and

(K) the authority to carry out comprehensive transportation planning to minimize the traffic congestion and facilitate access to and from the airport.

(b) SAFETY FUNDS NOT SUBJECT TO LIMITATION.—The limitation on funds set forth in subsection (a) shall not apply to any expenditure which the Administrator determines is needed for safety purposes.

(c) AVAILABILITY OF RESTRICTED FUNDS.—Notwithstanding any other provision of law, the funds restricted under subsection (a) shall become available at such time as the conditions set forth in subsection (a) are satisfied.

SEC. 313. RELEASE OF CERTAIN CONDITIONS.

Real property.
State and local governments.

(a) STAPLETON INTERNATIONAL AIRPORT, DENVER, COLORADO.—

(1) AUTHORITY TO GRANT RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on the date of each conveyance referred to in this subsection) with respect to such conveyance, the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (63 Stat. 700; 50 U.S.C. App. 1622c), and the provisions of paragraph (2) of this subsection, to grant release—

(A) from any of the terms, conditions, reservations, and restrictions contained in each deed of conveyance under which the United States conveyed property to the city and county of Denver, Colorado, on which any portion of Stapleton International Airport is located; and

(B) from any assurance made by the sponsor of such airport for a grant under the Airport and Airway Improvement Act of 1982 for a project at such airport.

(2) CONDITIONS.—Any release granted by the Secretary under paragraph (1) of this subsection shall be subject to the following conditions:

101 STAT. 1530

(A) The city and county of Denver, Colorado, shall agree that in conveying any interest in the property which the United States conveyed to the city and county by the deeds described in paragraph (1) the city and county will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(B) Any such amount so received by the city and county shall be used by the city and county for the development, construction, and improvement of (i) a new Denver air carrier airport, and (ii) a reliever airport in the event that the operation of the new air carrier airport severely restricts the operation of the nearby reliever airport. In no event shall such amount be used for operation or maintenance of such airports.

(C) The city and county shall agree not to convey any interest in the property which the United States conveyed to the city and county by the deeds described in paragraph (1) until the opening and initial operation of a primary airport to replace Stapleton International Airport, unless the Secretary determines that any such property is not essential for the operation of Stapleton International Airport.

(b) HAWAII.—

(1) AUTHORITY TO GRANT RELEASE.—Notwithstanding section 23 of the Airport and Airway Development Act of 1970 (as in effect on April 6, 1982), the Secretary is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (63 Stat. 700; 50 U.S.C. App. 1622c), and the provisions of paragraph (2) of this subsection, to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance, dated April 6, 1982, under which the United States conveyed certain property to the State of Hawaii for airport purposes.

(2) CONDITIONS.—Any release granted by the Secretary under paragraph (1) of this subsection shall be subject to the following conditions:

(A) The property for which a release is granted under this subsection shall not exceed 2,280 acres.

(B) The State of Hawaii shall agree that, in conveying any interest in the property which the United States conveyed

to the State by a deed described in paragraph (1), the State will receive an amount for such interest which is equal to the fair market value.

(C) Any amount so received shall be used for airport purposes only.

(D) In the event land or any interest therein is received in exchange for all or part of the 2.280 acres, the deed of conveyance of such land or interest will contain language mandating that—

(i) the land or interest must be used for airport purposes only;

(ii) such land or interest in land received by the State of Hawaii may not be conveyed by the State, except by approval of the Federal Government, pursuant to the authority vested in the Secretary under section 4 of the Act of 1949 (63 Stat. 700; 50 U.S.C. App. 1622c);

101 STAT. 1531

(iii) such conveyance by the State of Hawaii shall be subject to receipt of fair market value; and

(iv) the proceeds from such conveyance by the State of Hawaii shall be used for airport purposes only.

(c) LAREDO INTERNATIONAL AIRPORT, LAREDO, TEXAS.—

(1) AUTHORITY TO GRANT RELEASE.—Subject to paragraph (2), in recognition of the benefits to the public, the city of Laredo, Texas, and its successors and assigns are hereby released from all terms, conditions, reservations, and restrictions contained in the instrument of disposal dated February 21, 1975, by which the United States conveyed the property on which the Laredo International Airport, Laredo, Texas, is located to such city to the extent that such terms, conditions, reservations, and restrictions apply to the portion of such property consisting of approximately 680.1586 acres of land which is designated under the 1985 master plan and land use plan for the Laredo International Airport as being available for nonaviation purposes.

(2) CONDITIONS.—The release granted by paragraph (1) shall be subject to the following conditions:

(A) All revenues derived from the property to which such release applies shall be used for development, improvement, operation, and maintenance of the Laredo International Airport.

(B) The use of property to which such release applies shall not interfere with the operation and maintenance of such airport.

(C) Property to which such release applies may only be rented or leased if the term of the rental or lease agreement is 20 years or less and if compensation which is not less than—

(i) ¼ of fair market value is received in the case of a rental or lease agreement for a term of 10 years or less; and

(ii) ½ of fair market value is received in the case of a rental or lease agreement for a term of more than 10 years.

(D) Property to which such release applies may only be transferred if compensation which is equal to or more than fair market value is received.

(E) The city of Laredo, Texas, shall provide to the Administrator—

(i) an accounting and management plan acceptable to the Administrator for managing the Laredo International Airport general fund; and

(ii) an explanation of the management by such city of such general fund in calendar years beginning after December 31, 1977, and ending before the date of the enactment of this Act.

(3) IMPLEMENTATION.—The Administrator shall take such action as may be necessary to carry out the provisions of this subsection.

SEC. 314. FLIGHT SERVICE STATION IN JUNEAU, ALASKA.

(a) DESIGNATION.—The Federal Aviation Administration flight service station located in Juneau, Alaska, shall be known and designated as the "Dave Scheytt Flight Service Station".

101 STAT. 1532

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, or other paper of the United States to the flight service station referred to in subsection (a) shall be deemed to be a reference to the "Dave Scheytt Flight Service Station".

SEC. 315. GRAND CANYON AIRPORT.

(a) STUDY.—The Secretary shall conduct a study of methods of air traffic control which might be utilized at the Grand Canyon Airport, including the feasibility of installing radar for air traffic control purposes.

(b) REPORT.—Not later than the 180th day following the date of the enactment of this Act, the Secretary shall report to Congress the results of the study conducted under subsection (a), together with recommendations.

TITLE IV—EXTENSION OF AVIATION-RELATED TAXES AND AIRPORT AND AIRWAY TRUST FUND SPENDING AUTHORITY

Airport and Airway Revenue Act of 1987.

SEC. 401. SHORT TITLE.

26 USC 1 note.

This title may be cited as the "Airport and Airway Revenue Act of 1987".

SEC. 402. 3-YEAR EXTENSION OF AVIATION-RELATED TAXES.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "January 1, 1988" each place it appears and inserting in lieu thereof "January 1, 1991":

(1) Section 4261(f) (relating to transportation of persons by air).

(2) Section 4271(d) (relating to transportation of property by air).

(3) Section 9502(b) (relating to transfer to Airport and Airway Trust Fund of amounts equivalent to certain taxes).

(b) FUEL USED IN NONCOMMERCIAL AVIATION.—Paragraph (5) of section 4041(c) of such Code (relating to noncommercial aviation) is amended by striking out "December 31, 1987" and inserting in lieu thereof "December 31, 1990".

SEC. 403. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND SPENDING AUTHORITY.

(a) EXPENDITURES FROM TRUST FUND.—The material preceding subparagraph (A) of paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended by striking out "October 1, 1987" and inserting in lieu thereof "October 1, 1992".

(b) TRUST FUND PURPOSES.—Subparagraph (A) of section 9502(d)(1) of such Code is amended by striking out "(as such Acts were in effect on the date of the enactment of the Surface Transportation Assistance Act of 1982)" and inserting in lieu thereof "or the Airport and Airway Safety and Capacity Expansion Act of 1987 (as such Acts were in effect on the date of the enactment of the Airport and Airway Safety and Capacity Expansion Act of 1987)".

101 STAT. 1533 **SEC. 404. EXEMPTION FOR CERTAIN EMERGENCY MEDICAL TRANSPORTATION BY HELICOPTER.**

26 USC 4261.

(a) IN GENERAL.—Section 4261 of the Internal Revenue Code of 1986 (relating to imposition of tax on transportation by air) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) EXEMPTION FOR CERTAIN EMERGENCY MEDICAL TRANSPORTATION.—No tax shall be imposed under this section or section 4271 on any air transportation by helicopter for the purpose of providing emergency medical services if such helicopter—

"(1) does not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970 during such transportation, and

"(2) does not otherwise use services provided pursuant to the Airport and Airway Improvement Act of 1982 during such transportation."

(b) TAX FREE SALES.—Subsection (l) of section 4041 of such Code (relating to exemption for certain helicopter uses) is amended to read as follows:

"(l) EXEMPTION FOR CERTAIN HELICOPTER USES.—No tax shall be imposed under this section on any liquid sold for use in, or used in, a helicopter for purposes of providing transportation with respect to which the requirements of subsection (e) or (f) of section 4261 are met."

(c) TECHNICAL AMENDMENT.—Subsection (e) of section 4261 of such Code is amended by striking out "System Improvement Act" and inserting in lieu thereof "Improvement Act".

(d) EFFECTIVE DATES.—

26 USC 4261 note.

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to transportation beginning after September 30, 1988, but shall not apply to amounts paid on or before such date.

26 USC 4041 note.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on October 1, 1988.

SEC. 405. REDUCTION IN AVIATION-RELATED TAXES WHERE APPROPRIATIONS ARE SIGNIFICANTLY BELOW AUTHORIZATIONS.

(a) IN GENERAL.—Part III of subchapter C of chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by adding at the end the following new section:

26 USC 4283.

"SEC. 4283. REDUCTION IN AVIATION-RELATED TAXES IN CERTAIN CASES.

"(a) REDUCTION IN RATES.—If the funding percentage is less than 85 percent, with respect to any taxable event occurring during 1990—

"(1) subsections (a) and (b) of section 4261 (relating to tax on transportation of persons by air) shall each be applied by substituting '4 percent' for '8 percent',

"(2) subsection (a) of section 4271 (relating to tax on transportation of property by air) shall be applied by substituting '2.5 percent' for '5 percent',

"(3) paragraph (1) of section 4041(c) (relating to tax on certain fuels used in noncommercial aviation) shall be applied by substituting '7 cents' for '14 cents', and

"(4) paragraph (2) of section 4041(c) (relating to tax on gasoline used in noncommercial aviation) shall not apply.

101 STAT. 1534

"(b) FUNDING PERCENTAGE.—

"(1) IN GENERAL.—For purposes of this section, the funding percentage is the percentage (determined by the Secretary) which—

"(A) the sum of—

"(i) the aggregate amounts obligated under section 505 of the Airport and Airway Improvement Act of 1982 for fiscal years 1988 and 1989, and

"(ii) the aggregate amounts appropriated under

subsections (a) and (b) of section 506 of such Act for such fiscal years, is of

"(B) the sum of—

"(i) the aggregate amounts authorized to be obligated under such section 505 for such fiscal years, and

"(ii) the aggregate amounts authorized to be appropriated under subsections (a) and (b) of such section 506 for such fiscal years.

"(2) RULES FOR APPLYING PARAGRAPH (1).—

"(A) TREATMENT OF PRIOR YEAR AMOUNTS.—For purposes of paragraph (1), an amount shall be treated as authorized, obligated, or appropriated only for the 1st fiscal year for which it is authorized, obligated, or appropriated, as the case may be.

"(B) TREATMENT OF SEQUESTERED AMOUNTS.—The determination under paragraph (1)(A) shall be made without regard to the sequestration of any amount described therein pursuant to an order under part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (or any successor law).

"(3) DETERMINATION OF FUNDING PERCENTAGE.—

"(A) IN GENERAL.—Not later than December 1, 1989, the Secretary shall determine—

"(i) the funding percentage, and

"(ii) whether the rate reductions under this section shall apply to taxable events occurring during 1990.

"(B) DETERMINATIONS TO BE PUBLISHED IN FEDERAL REGISTER.—As soon as practicable after making the determinations under subparagraph (A), the Secretary shall publish such determinations in the Federal Register.

"(c) TAXABLE EVENT.—For purposes of this section—

"(1) TAXABLE TRANSPORTATION BY AIR.—In the case of the taxes imposed by sections 4261 and 4271, the taxable event shall be treated as occurring when the payment for the taxable transportation is made.

"(2) SALE OR USE OF FUEL.—In the case of the taxes imposed by section 4041(c), the taxable event shall be the sale or use on which tax is imposed."

(b) REFUND OF FUEL TAXES ON NONCOMMERCIAL AVIATION WHERE RATE REDUCTION IN EFFECT.—

(1) IN GENERAL.—Section 6427 of such Code (relating to fuels not used for taxable purposes) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) GASOLINE USED IN NONCOMMERCIAL AVIATION DURING PERIOD RATE REDUCTION IN EFFECT.—Except as provided in subsection (k), if—

"(1) any tax is imposed by section 4081 on any gasoline, 101 STAT. 1535

"(2) such gasoline is used during 1990 as a fuel in any aircraft in noncommercial aviation (as defined in section 4041(c)(4)), and

"(3) no tax is imposed by section 4041(c)(2) on taxable events occurring during 1990 by reason of section 4283,

the Secretary shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the excess of the aggregate amount of tax paid under section 4081 on the gasoline so used over an amount equal to 6 cents multiplied by the number of gallons of gasoline so used."

(2) TECHNICAL AMENDMENTS.—

(A) Paragraph (1) of section 6427(i) of such Code is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (p)".

(B) Clause (i) of section 6427(i)(2)(A) of such Code is amended by striking out "and (h)" and inserting in lieu thereof "(h), and (p)".

(3) CROSS REFERENCE.—Subsection (c) of section 4041 of such Code is amended by adding at the end thereof the following new paragraph:

"(6) REDUCTION IN RATES OF TAX IN CERTAIN CIRCUMSTANCES.—For reduction of rates of taxes imposed by paragraphs (1) and (2) in certain circumstances, see section 4283."

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter C of chapter 33 of such Code is amended by adding at the end the following new item:

"Sec. 4283. Reduction in aviation-related taxes in certain cases."

Approved December 30, 1987.

LEGISLATIVE HISTORY—H.R. 2310 (S. 1184):

HOUSE REPORTS: No. 100-123, Pt. 1 (Comm. on Science, Space, and Technology) and Pt. 2 (Comm. on Public Works and Transportation) and No. 100-484 (Comm. of Conference).

SENATE REPORTS: No. 100-99 accompanying S. 1184 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 133 (1987):

Oct. 1, considered and passed House.

Oct. 28, considered and passed Senate, amended, in lieu of S. 1184.

Dec. 17, Senate agreed to conference report.

Dec. 18, House agreed to conference report.

Public Law 100-210
100th Congress

101 STAT. 1441

An Act

To provide that a special gold medal be presented to Mary Lasker for her humanitarian contributions in the areas of medical research and education, urban beautification and the fine arts, and for other purposes.

Dec. 24, 1987
[H.R. 390]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Mary Lasker, a gold medal of appropriate design in recognition of her humanitarian contributions in the areas of medical research and education, urban beautification, and the fine arts. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed $20,000 to carry out the provisions of this subsection.

31 USC 5111 note.

Appropriation authorizations.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal. The appropriation used to carry out the provisions of subsection (a) shall be reimbursed out of the proceeds of such sales.

SEC. 2. The medals provided for in this Act are national medals for purposes of chapter 51 of title 31, United States Code.

31 USC 5111 note.

SEC. 3. Section 2(b) of the Young Astronaut Program Medal Act, Public Law 99-295, is amended by striking out "December 31, 1987" and inserting in lieu thereof "December 31, 1988".

31 USC 5111 note.

Approved December 24, 1987.

LEGISLATIVE HISTORY—H.R. 390:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Sept. 29, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 100-238
100th Congress

101 STAT. 1744

An Act

Making technical corrections relating to the Federal Employees' Retirement System, and for other purposes.

Jan. 8, 1988
[H.R. 3395]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS RELATING TO THE CIVIL SERVICE RETIREMENT SYSTEM AND THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or

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a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 102. DEPOSITS FOR "COVERED SERVICE" AFTER 1986 FOR EMPLOYEES UNDER CSRS OFFSET PROVISIONS.

Section 8334(c) is amended by striking the period at the end of the last sentence and inserting in lieu thereof the following: ", and, with respect to any such service performed after December 31, 1986, be equal to the amount that would have been deducted from the employee's basic pay under subsection (k) of this section if the employee's pay had been subject to that subsection during such period.".

SEC. 103. AMENDMENTS RELATING TO LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.

(a) MAXIMUM ENTRY AGES.—

(1) IN GENERAL.—Section 3307 is amended—

(A) in subsection (d), by striking "may, with the concurrence of such agent as the President may designate," and inserting in lieu thereof "may"; and

(B) by adding at the end the following:

"(e) The head of an agency may determine and fix the maximum age limit for an original appointment to a position as a firefighter or law enforcement officer, as defined by section 8401 (14) or (17), respectively, of this title.".

(2) CLARIFYING AMENDMENTS.—Paragraphs (14)(A)(ii) and (17) of section 8401 are amended by striking "are required to be" each place those words appear and inserting in lieu thereof "should be".

(b) DEFINITION UNDER THE LIFE INSURANCE PROGRAM.—Section 8704(c)(2) is amended by inserting "or 8401(17)" after "8331(20)".

(c) AMENDMENTS TO DEFINITIONS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 8401(17) is amended— 101 STAT. 1745

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following:

"(B) an employee of the Department of the Interior or the Department of the Treasury (excluding any employee under subparagraph (A)) who occupies a position that, but for the enactment of the Federal Employees' Retirement System Act of 1986, would be subject to the District of Columbia Police and Firefighters' Retirement System, as determined by the Secretary of the Interior or the Secretary of the Treasury, as appropriate;"; and

(C) by amending subparagraph (C), as so redesignated by subparagraph (A), to read as follows:

"(C) an employee who is transferred directly to a supervisory or administrative position after performing duties described in subparagraph (A) and (B) for at least 3 years; and".

(2) FIREFIGHTERS.—Section 8401(14)(B) is amended by striking "for at least 10 years" and inserting in lieu thereof "for at least 3 years".

(d) COORDINATION OF FERS WITH THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM FOR EMPLOYEES OF THE PARK POLICE AND THE SECRET SERVICE.—

(1) IN GENERAL.—Section 4-607(1) of title 4 of the District of Columbia Code is amended by striking the period and inserting in lieu thereof the following: ", but does not include an officer or member of the United States Park Police force, or of the United States Secret Service Division, whose service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986, and who is not excluded from coverage under chapter 84 of title 5, United States Code, by operation of section 8402 of such title.".

(2) CONFORMING AMENDMENT.—Section 8401(11)(i)(II) is amended by striking "(other than an employee of the United States Park Police, or the United States Secret Service, whose civilian service after December 31, 1983, is such employment)".

(e) OFFSETS TO PREVENT FULL DOUBLE COVERAGE FOR EMPLOYEES OF THE PARK POLICE AND THE SECRET SERVICE.—Notwithstanding any other provision of law, in the case of an employee of the United States Secret Service or the United States Park Police whose pay is simultaneously subject to a deposit requirement under the District of Columbia Police and Firefighters' Retirement and Disability System and the contribution requirement under section 3101(a) of the Internal Revenue Code of 1986— 5 USC 8334 note.

(1) any deposits under the District of Columbia Police and Firefighters' Retirement and Disability System shall be adjusted in a manner consistent with section 8334(k) of title 5, United States Code (relating to offsets in deductions from pay to reflect OASDI contributions); and

(2) any benefits payable under the District of Columbia Police and Firefighters' Retirement and Disability System based on the service of any such employee shall be adjusted in a manner consistent with section 8349 of title 5, United States Code (relating to offsets to reflect benefits under title II of the Social Security Act).

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall be effective as of January 1, 1987. 5 USC 3307 note.

101 STAT. 1746

SEC. 104. MILITARY SERVICE DEPOSITS BY SURVIVORS.

(a) Section 8422(e) is amended by adding at the end the following: "(5) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.".

(b) Section 8411(c)(4)(A) is amended by striking "subsection (f)(4)" and inserting in lieu thereof "section 8422(e)(5)".

SEC. 105. DEPOSITS AND REFUNDS RELATING TO CERTAIN SERVICE UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEPOSIT FOR SERVICE COVERED BY REFUND PERMITTED ONLY IF REFUND WAS PURSUANT TO APPLICATION FILED BEFORE BECOMING SUBJECT TO FERS.—Section 8411(f)(1) is amended by adding at the end the following: "A deposit under this paragraph may be made only with respect to a refund received pursuant to an application filed with the Office before the date on which the employee or Member first becomes subject to this chapter.".

(b) LUMP-SUM CREDIT FOR CERTAIN CSRS SERVICE SOUGHT AFTER BECOMING SUBJECT TO FERS IS PAYABLE TO THE EXTENT THAT IT EXCEEDS 1.3 PERCENT OF BASIC PAY.—The last sentence of section 8342(a), as added by section 207(h) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 596) is amended to read as follows: "In applying this subsection to an employee or Member who becomes subject to chapter 84 (other than by an election under title III of the Federal Employees' Retirement System Act of 1986) and who, while subject to such chapter, files an application with the Office for a payment under this subsection—

"(i) entitlement to payment of the lump-sum credit shall be determined without regard to paragraph (1) or (3) if, or to the extent that, such lump-sum credit relates to service of a type described in clauses (i) through (iii) of section 302(a)(1)(C) of the Federal Employees' Retirement System Act of 1986; and

"(ii) if, or to the extent that, the lump-sum credit so relates to service of a type referred to in clause (i), it shall (notwithstanding section 8331(8)) consist of—

"(I) the amount by which any unrefunded amount described in section 8331(8) (A) or (B) relating to such service, exceeds 1.3 percent of basic pay for such service; and

"(II) interest on the amount payable under subclause (I), computed in a manner consistent with applicable provisions of section 8331(8).".

5 USC 8331 note.

SEC. 106. OPTION FOR CERTAIN EMPLOYEES TO ELECT FERS COVERAGE.

Section 301(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), any individual—

"(i) who is excluded from the operation of subchapter III of chapter 83 of title 5, United States Code, under subsection (g), (i), (j), or (l) of section 8347 of such title, and

"(ii) with respect to whom chapter 84 of title 5, United States Code, does not apply because of section 8402(b)(2) of such title,

shall, for purposes of an election under paragraph (1) or (2), be treated as if such individual were subject to subchapter III of chapter 83 of title 5, United States Code.

"(B) An election under this paragraph may not be made by any individual who would be excluded from the operation of chapter 84 of title 5, United States Code, under section 8402(c) of such title (relating to exclusions based on the temporary or intermittent nature of one's employment).".

101 STAT. 1747

5 USC 8331 note.

SEC. 107. CERTAIN CSRS SERVICE CREDITABLE TO DETERMINE ELIGIBILITY FOR 1.1 PERCENT ACCRUAL RATE.

Section 302(a)(1)(D) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 602) is amended—

(1) by striking "and" at the end of subclause (IV);

(2) by striking the period at the end of subclause (V) and inserting in lieu thereof "; and"; and

(3) by adding after subclause (V) the following:

"(VI) the provision of subsection (g) of section 8415 which relates to the minimum period of service required to qualify for the higher accrual rate under such subsection.".

SEC. 108. AMENDMENTS RELATING TO MISCELLANEOUS PROVISIONS OF LAW EXTENDING COVERAGE OR BENEFITS UNDER CERTAIN FEDERAL PROGRAMS TO INDIVIDUALS NOT OTHERWISE ELIGIBLE.

(a) TERMINATION OF CERTAIN SPECIAL ELIGIBILITY PROVISIONS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347 is amended by adding at the end the following:

"(o) Any provision of law outside of this subchapter which provides coverage, service credit, or any other benefit under this subchapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage, credit, or benefit, shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988.".

(2) LIFE INSURANCE.—

(A) IN GENERAL.—Section 87 of title 5, United States Code, is amended by inserting after section 8712 the following:

5 USC 8713.

"§ 8713. Effect of other statutes

"Any provision of law outside of this chapter which provides coverage or any other benefit under this chapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage or benefit shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988.".

(B) CHAPTER ANALYSIS.—The analysis for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8712 the following:

"8713. Effect of other statutes.".

(3) HEALTH INSURANCE.—

(A) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"§ 8914. Effect of other statutes 5 USC 8914

"Any provision of law outside of this chapter which provides coverage or any other benefit under this chapter to any individuals who (based on their being employed by an entity other than the Government) would not otherwise be eligible for any such coverage or benefit shall not apply with respect to any individual appointed, transferred, or otherwise commencing that type of employment on or after October 1, 1988.". 101 STAT. 1748

(B) CHAPTER ANALYSIS.—The analysis for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"8914. Effect of other statutes.".

(b) EXTENSION OF OFFSET PROVISIONS UNDER CHAPTER 83.—

(1) CONTRIBUTIONS.—Section 8334(k) is amended by adding at the end the following:

"(4) In administering paragraphs (1) through (3)—

"(A) the term 'an individual described in section 8402(b)(2) of this title' shall be considered to include any individual—

"(i) who is subject to this subchapter as a result of a provision of law described in section 8347(o), and

"(ii) whose employment (as described in section 8347(o)) is also employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986; and

"(B) the term 'Federal wages', as applied with respect to any individual to whom this subsection applies as a result of subparagraph (A), means basic pay for any employment referred to in subparagraph (A)(ii).".

(2) BENEFITS.—Section 8349 is amended by adding at the end the following:

"(d) In administering subsections (a) through (c)—

"(1) the terms 'an individual under section 8402(b)(2)' and 'an individual described in section 8402(b)(2)' shall each be considered to include any individual—

"(A) who is subject to this subchapter as a result of any provision of law described in section 8347(o), and

"(B) whose employment (as described in section 8347(o)) is also employment for purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986; and

"(2) the term 'Federal service', as applied with respect to any individual to whom this section applies as a result of paragraph (1), means any employment referred to in paragraph (1)(B) performed after December 31, 1983.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as of January 1, 1987. 5 USC 8334 note.

SEC. 109. CONTINUED COVERAGE UNDER CERTAIN FEDERAL EMPLOYEE BENEFIT PROGRAMS FOR CERTAIN EMPLOYEES OF SAINT ELIZABETHS HOSPITAL. District of Columbia.

(a) IN GENERAL.—Section 207 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 594) is amended by adding at the end the following:

"(o) An employee of Saint Elizabeths Hospital who is appointed to a position in the government of the District of Columbia on October 1, 1987, pursuant to the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (Public Law 98-621; 98 Stat. 3369 and following) shall, for purposes of chapters 83, 87, and 89 of title 5, United States Code, be treated in the same way as an individual first employed by the government of the District of Columbia before October 1, 1987.". 5 USC 8331 note.

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(b) The amendment made by this section shall be effective as of October 1, 1987.

5 USC 8332 note.

SEC. 110. CREDITABILITY UNDER CSRS OF CERTAIN SERVICE PERFORMED UNDER A PERSONAL SERVICE CONTRACT WITH THE UNITED STATES.

(a) IN GENERAL.—

(1) CONDITIONS FOR RECEIVING CREDIT.—Subject to the making of a deposit under section 8334(c) of title 5, United States Code, upon application to the Office of Personnel Management within 2 years after the date of the enactment of this Act, any individual who is an employee (as defined by section 8331(1) or 8401(11) of such title) on such date shall be allowed credit under subchapter III of chapter 83 of such title for any service if such service was performed—

(A) before November 5, 1985; and

(B) under a personal service contract with the United States, except as provided in paragraph (3).

(2) CERTIFICATION.—

(A) IN GENERAL.—The Office shall, with respect to any service for which credit is sought under this subsection, accept the certification of the head of the agency which was party to the contract referred to in paragraph (1)(B), but only if such certification—

(i) states that the agency had intended, through such contract, that the individual involved (or that persons like the individual involved) be considered as having been appointed to a position in which such individual would be subject to subchapter III of chapter 83 of title 5, United States Code; and

(ii) indicates the period of service which was performed under the contract by the individual involved, and includes copies of appropriate records or other documentation to support the determination as to the length of such period.

(B) FINALITY.—A decision by an agency head concerning whether or not to make a certification under this paragraph in any particular instance shall be at the sole discretion of the agency head, and shall not be subject to administrative or judicial review.

(3) EXCEPTION.—Nothing in this subsection shall apply with respect to any service performed under—

(A) a contract for which any appropriations, allocations, or funds were used under section 636(a)(3) of the Foreign Assistance Act of 1961;

(B) a contract entered into under section 10(a)(5) of the Peace Corps Act;

(C) a contract under which the services of an individual may be terminated by a person other than the individual or the Government; or

(D) a contract for a single transaction or a contract under which services are paid for in a single payment.

(b) APPLICABILITY TO ANNUITANTS.—

(1) IN GENERAL.—In the case of any individual who—

(A) performed service for which credit is allowable under subsection (a), and

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(B) retired on an annuity payable under subchapter III of chapter 83 of title 5, United States Code, after January 23, 1980, and before the date of the enactment of this Act,

any annuity under such subchapter based on the service of such individual shall be redetermined to take into account the amendment made by subsection (a) if application therefor is made, and the deposit requirement under such subsection is met, within 2 years after the date of the enactment of this Act.

(2) AMOUNTS TO WHICH APPLICABLE.—Any change in an annuity resulting from a redetermination under paragraph (1) shall be effective with respect to payments accruing for months beginning after the date of the enactment of this Act.

SEC. 111. EXCLUSION OF FOREIGN NATIONAL EMPLOYEES UNDER CSRS FROM PARTICIPATING IN THE THRIFT SAVINGS PLAN.

(a) IN GENERAL.—Section 8351 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) A member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980 shall be ineligible to make any election under this section.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of March 31, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto. 5 USC 8351 note

SEC. 112. FOREIGN NATIONAL EMPLOYEES APPOINTED AFTER DECEMBER 1987 EXCLUDED FROM CSRS.

Section 8331(1) is amended—

(1) by striking "or" at the end of clause (x);

(2) by striking the period at the end of clause (xi) and inserting in lieu thereof "; or"; and

(3) by adding after clause (xi) the following:

"(xii) a member of the Foreign Service (as described in section 103(6) of the Foreign Service Act of 1980), appointed after December 31, 1987.".

SEC. 113. EXCLUSION OF FOREIGN NATIONAL EMPLOYEES FROM FERS.

(a) NO ELECTION TO CONVERT FROM CSRS.—

(1) IN GENERAL.—Section 301(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599) is amended by adding at the end the following: 5 USC 8331 note

"(4) A member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980 shall be ineligible to make any election under this subsection.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as of June 30, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto. 5 USC 8331 note

(b) EXCLUSION FROM FERS.—

(1) IN GENERAL.—Section 8401(11) is amended— 101 STAT. 1751

(A) by striking "or" at the end of clause (ii)(III);

(B) by inserting "or" after the semicolon in clause (ii); and

(C) by adding at the end the following:

"(iii) a member of the Foreign Service described in section 103(6) of the Foreign Service Act of 1980;".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as of January 1, 1987. Any refund which becomes payable as a result of the preceding sentence shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto. 5 USC 8401 note

SEC. 114. EXCLUSION OF CERTAIN ONE-TIME GOVERNMENT CONTRIBUTIONS TO THRIFT SAVINGS PLAN.

Section 8432(d) is amended by adding at the end the following: "However, no contribution made under subsection (c)(3) shall be

subject to, or taken into account, for purposes of the preceding sentence.".

SEC. 115. GOVERNMENT'S 1 PERCENT THRIFT CONTRIBUTION NOT FORFEITABLE FOR DEATH IN SERVICE.

Section 8432(g) is amended—

(1) in paragraph (1), by striking "Except as provided in paragraphs (2) and (3)," and inserting in lieu thereof "Except as otherwise provided in this subsection,"; and

(2) by adding at the end the following:

"(4) Nothing in paragraph (2) or (3) shall cause the forfeiture of any contributions made for the benefit of an employee, Member, or Congressional employee under subsection (c)(1), or any earnings attributable thereto, if such employee, Member, or Congressional employee is not separated from Government employment as of date of death.".

SEC. 116. CLARIFICATION RELATING TO AMOUNTS SUBJECT TO LEGAL PROCESS FOR CHILD SUPPORT OR ALIMONY.

Section 8437(e)(3) is amended by adding at the end the following: "For the purposes of this paragraph, an amount contributed for the benefit of an individual under section 8432(c)(1) (including any earnings attributable thereto) shall not be considered part of the balance in such individual's account unless such amount is nonforfeitable, as determined under applicable provisions of section 8432(g).".

SEC. 117. CLARIFICATION RELATING TO SOURCE OF FUNDING FOR ADMINISTRATIVE EXPENSES OF THE THRIFT SAVINGS PLAN.

(a) IN GENERAL.—Section 8437 is amended—

(1) in subsection (d), by inserting a period after "earnings in such Fund" and by striking the matter thereafter; and

(2) in subsection (e)(1), by inserting "subsection (d) and" before "paragraphs (2) and (3),".

5 USC 8437 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

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5 USC 8331 note.

SEC. 118. EXCLUSION FROM AGE-BASED REDUCTION UNDER CHAPTER 83 FOR CSRS PORTION OF ANNUITY MADE SUBJECT TO REDUCTION UNDER CHAPTER 84 FOLLOWING AN ELECTION INTO FERS.

Section 302(a)(4) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 603) is amended by adding at the end the following: "Notwithstanding the preceding sentence, in computing accrued benefits under this paragraph for an individual retiring under section 8412(g) or 8413(b) of title 5, United States Code, section 8339(h) of such title (relating to reductions based on age at date of separation) shall not apply.".

5 USC 8331 note.

SEC. 119 INTEREST ON REFUNDS OF CERTAIN EXCESS CONTRIBUTIONS BY INDIVIDUALS MAKING ELECTIONS UNDER TITLE III OF THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986.

(a) FOR INDIVIDUALS ELECTING FERS COVERAGE.—Section 302(c)(2) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 605), as amended by section 302(a) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Public Law 99-556; 100 Stat. 3136), is amended to read as follows:

"(2) In accordance with regulations prescribed by the Office of Personnel Management, a refund under this subsection shall be payable upon written application therefor filed with the Office and shall include interest at the rate provided in section 8334(e)(3) of

title 5, United States Code. Interest on the refund shall accrue monthly and shall be compounded annually.".

(b) FOR INDIVIDUALS ELECTING COVERAGE UNDER CSRS WITH OFFSETS FOR SOCIAL SECURITY.—The last sentence of section 303(a) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 605), as added by section 302(b) of the Federal Employees' Retirement System Technical Corrections Act of 1986 (Public Law 99-556; 100 Stat. 3136), is amended to read as follows: "A refund under this subsection shall be computed with interest in accordance with section 302(c)(2) and regulations prescribed by the Office of Personnel Management.". 5 USC 8331 note.

SEC. 120. EFFECTIVE DATE OF FINAL MERIT INCREASE UNDER THE PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM FOR EMPLOYEES OF SAINT ELIZABETHS HOSPITAL. District of Columbia.

(a) IN GENERAL.—Notwithstanding any other provision of law, the effective date of any merit increase under section 5404 of title 5, United States Code, during calendar year 1987 shall, in the case of any individual employed in or under Saint Elizabeths Hospital on September 1, 1987, be considered to be the first day of the first applicable pay period commencing on or after September 1 (rather than October 1) of such year.

(b) DEFINITION.—For purposes of this section, "Saint Elizabeths Hospital" refers to the institution identified under section 3(1) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (Public Law 98-621; 98 Stat. 3371).

SEC. 121. DEADLINE FOR AGENCY CONTRIBUTIONS TO THRIFT SAVINGS PLAN.

(a) THE 1-PERCENT CONTRIBUTION.—Section 8432(c)(1)(A) is amended— 101 STAT. 1753

(1) by striking "At the end of" and inserting in lieu thereof "At the time prescribed by the Executive Director, but no later than 12 days after the end of"; and

(2) by striking "at the end of each succeeding pay period," and inserting in lieu thereof "within such time as the Executive Director may prescribe with respect to succeeding pay periods (but no later than 12 days after the end of each such pay period),".

(b) AMOUNTS BASED ON INDIVIDUAL CONTRIBUTIONS.—The second sentence of section 8432(c)(2)(A) is amended by striking "at the end of such pay period." and inserting in lieu thereof "within such time as the Executive Director may prescribe, but no later than 12 days after the end of each such pay period.".

SEC. 122. AMENDMENTS RELATING TO DISABILITY ANNUITIES.

(a) INITIAL DISABILITY ANNUITY OFFSET TO BE BASED ON ACTUAL SOCIAL SECURITY DISABILITY INSURANCE BENEFIT; AMOUNT OF OFFSET NOT SUBJECT TO ADJUSTMENT UNTIL AFTER THE FIRST YEAR.—Section 8452(a)(2)(B)(i) of title 5, United States Code, is amended to read as follows:

"(B)(i) For purposes of this paragraph, the assumed disability insurance benefit of an annuitant for any month shall be equal to—

"(I) the amount of the disability insurance benefit to which the annuitant is entitled under section 223 of the Social Security Act for the month in which the annuity under this subchapter commences, or is restored, or, if no entitlement to such disability insurance benefits exists for such month, the first month thereafter for which the annuitant is entitled both to an annuity under this subchapter and disability insurance benefits under section 223 of the Social Security Act, adjusted by

"(II) all adjustments made under section 8462(b) after the end of the period referred to in paragraph (1)(A)(i) (or, if later, after the end of the month preceding the first month for which the annuitant is entitled both to an annuity under this subchapter and disability insurance benefits under section 223 of the Social

Security Act) and before the start of the month involved (without regard to whether the annuitant's annuity was affected by any of those adjustments).".

(b) REVISED METHOD FOR REDETERMINING A DISABILITY ANNUITY AT AGE 62.—Section 8452(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Except as provided in subsection (d), if an annuitant is entitled to an annuity under this subchapter as of the day before the date of the sixty-second anniversary of the annuitant's birth (hereinafter in this section referred to as the annuitant's 'redetermination date'), such annuity shall be redetermined by the Office in accordance with paragraph (2). Effective as of the annuitant's redetermination date, the annuity (as so redetermined) shall be in lieu of any annuity to which such annuitant would otherwise be entitled under this subchapter.

"(2)(A) An annuity redetermined under this subsection shall be equal to the amount of the annuity to which the annuitant would be entitled under section 8415, taking into account the provisions of subparagraph (B).

"(B) In performing a computation under this paragraph—

"(i) creditable service of an annuitant shall be increased by including any period (or periods) before the annuitant's redetermination date during which the annuitant was entitled to an annuity under this subchapter; and

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"(ii) the average pay which would otherwise be used shall be adjusted to reflect all adjustments made under section 8462(b) with respect to any period (or periods) referred to in clause (i) (without regard to whether the annuitant's annuity was affected by any of those adjustments).".

(c) METHOD FOR APPLYING COST-OF-LIVING ADJUSTMENTS TO CERTAIN DISABILITY ANNUITY PROVISIONS.—

(1) MINIMUM DISABILITY ANNUITY AMOUNT SUBJECT TO ADJUSTMENT AFTER THE FIRST YEAR.—Section 8452 is amended—

(A) by redesignating subsection (d) as subsection (d)(1); and

(B) by adding after subsection (d)(1), as so redesignated, the following:

"(2) In applying this subsection with respect to any annuitant, the amount of an annuity so computed under section 8415 shall be adjusted under section 8462 (including subsection (c) thereof)—

"(A) to the same extent, and otherwise in the same manner, as if it were an annuity—

"(i) subject to adjustment under such section; and

"(ii) with a commencement date coinciding with the date the annuitant's annuity commenced or was restored under this subchapter, as the case may be; and

"(B) whether the amount actually payable to the annuitant under this section in any month is determined under this subsection or otherwise.".

(2) DISABILITY ANNUITY COLAS.—

(A) IN GENERAL.—Section 8452(a)(1)(B) of title 5, United States Code, is amended to read as follows:

"(B) An annuity computed under this paragraph—

"(i) shall not, during any period referred to in subparagraph (A)(i), be adjusted under section 8462; but

"(ii) shall, after the end of any period referred to in subparagraph (A)(i), be adjusted to reflect all adjustments made under section 8462(b) after the end of the period referred to in subparagraph (A)(i), whether the amount actually payable to the annuitant under this section in any month is determined under this subsection or otherwise.".

(B) CLARIFYING AMENDMENT.—Section 8452(a) of title 5, United States Code, is amended by adding at the end the following:

"(3) Section 8462 shall apply with respect to amounts under this subsection only as provided in paragraphs (1) and (2).".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of January 1, 1987, as if they had been enacted as part of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 514 and following). 5 USC 8452 note.

SEC. 123. CLARIFYING AMENDMENTS RELATING TO FUNDING.

FUND BALANCE.—Section 8331(18) is amended by adding at the end the following:

"but does not include any amount attributable to—

"(i) the Federal Employees' Retirement System; or

"(ii) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;". 101 STAT. 1755

SEC. 124. CONCURRENT ENTITLEMENT TO BENEFITS UNDER CHAPTER 81 AND CHAPTER 83 OR 84 OF TITLE 5, UNITED STATES CODE.

(a) IN GENERAL.—

(1) AMENDMENTS.—

(A) CSRS.—Section 8337 is amended by striking subsections (f) and (g) and inserting in lieu thereof the following:

"(f)(1) An individual is not entitled to receive—

"(A) an annuity under this subchapter, and

"(B) compensation for injury to, or disability of, such individual under subchapter I of chapter 81, other than compensation payable under section 8107,

covering the same period of time.

"(2) An individual is not entitled to receive an annuity under this subchapter and a concurrent benefit under subchapter I of chapter 81 on account of the death of the same person.

"(3) Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this subchapter or subchapter I of chapter 81.

"(g) If an individual is entitled to an annuity under this subchapter, and the individual receives a lump-sum payment for compensation under section 8135 based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Department of Labor, shall be refunded to that Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

"(1) refund to the Department of Labor the amount representing the commuted compensation payments for the extended period; or

"(2) authorize the deduction of the amount from the annuity.

Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Department of Labor for reimbursement to the Employees' Compensation Fund. When the Department of Labor finds that the financial circumstances of an individual entitled to an annuity under this subchapter warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Department determines appropriate.".

(B) FERS.—Subchapter VI of chapter 84 is amended by inserting after section 8464 the following:

"§ 8464a. Relationship between annuity and workers' compensation 5 USC 8464a.

"(a)(1) An individual is not entitled to receive—

"(A) an annuity under subchapter II or V, and

"(B) compensation for injury to, or disability of, such individ-

ual under subchapter I of chapter 81, other than compensation payable under section 8107,

covering the same period of time.

"(2) An individual is not entitled to receive an annuity under subchapter IV and a concurrent benefit under subchapter I of chapter 81 on account of the death of the same person.

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"(3) Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this chapter or subchapter I of chapter 81.

"(b) If an individual is entitled to an annuity under subchapter II, IV, or V, and the individual receives a lump-sum payment for compensation under section 8135 based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Department of Labor, shall be refunded to that Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

"(1) refund to the Department of Labor the amount representing the commuted compensation payments for the extended period; or

"(2) authorize the deduction of the amount from the annuity.

Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Department of Labor for reimbursement to the Employees' Compensation Fund. When the Department of Labor finds that the financial circumstances of an individual entitled to an annuity under subchapter II, IV, or V warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Department determines appropriate.".

(2) CHAPTER ANALYSIS.—The analysis for chapter 84 is amended by inserting after the item relating to section 8464 the following:

"8464a. Relationship between annuity and workers' compensation.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subchapter V of chapter 84 is amended—

(A) by striking section 8456; and

(B) by redesignating section 8457 as section 8456.

(2) The analysis for chapter 84 is amended—

(A) by striking the item relating to section 8456; and

(B) by striking "8457" and inserting in lieu thereof "8456".

5 USC 8337 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall be effective as of January 1, 1987, and shall apply with respect to benefits payable based on a death or disability occurring on or after that date.

(2) EXCEPTION.—The amendment made by subsection (a)(1)(A) shall take effect on the date of the enactment of this Act and shall apply with respect to benefits payable based on a death or disability occurring on or after that date.

5 USC 8432 note.

SEC. 125. ELIGIBILITY OF CERTAIN INDIVIDUALS TO PARTICIPATE IN THE THRIFT SAVINGS PLAN.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "Executive Director" means the Executive Director under section 8474 of title 5, United States Code; and

(2) the term "Thrift Savings Plan" refers to the program under subchapter III of chapter 84 of title 5, United States Code.

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(b) REGULATIONS.—

(1) IN GENERAL.—The Executive Director shall prescribe regulations relating to participation in the Thrift Savings Plan by an individual described in subsection (c).

(2) SPECIFIC MATTERS TO BE INCLUDED.—Under the regulations—

(A) in computing a percentage of basic pay to determine an amount to be contributed to the Thrift Savings Fund, the rate of basic pay to be used shall be the same as that used in computing any amount which the individual involved is otherwise required, as a condition for participating in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be), to contribute to the Civil Service Retirement and Disability Fund; and

(B) an employing authority which would not otherwise make contributions to the Thrift Savings Fund shall be allowed, with respect to any individual under subsection (c) who is serving under such authority, and at the sole discretion of such authority, to make any contributions on behalf of such individual which would be permitted or required under the provisions of section 8432(c) of title 5, United States Code, if such authority were the individual's employing agency under such provisions.

(c) APPLICABILITY.—This section applies with respect to—

(1) any individual participating in the Civil Service Retirement System or the Federal Employees' Retirement System as—

(A) an individual who has entered on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of employees (as defined by section 8331(1) or 8401(11) of title 5, United States Code);

(B) an individual assigned from a Federal agency to a State or local government under subchapter VI of chapter 33 of title 5, United States Code; or

(C) an individual appointed or otherwise assigned to one of the cooperative extension services, as defined by section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)); and

(2) any individual who is participating in the Civil Service Retirement System as a result of a provision of law described in section 8347(o).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the regulations prescribed under this section shall become effective in accordance with the provisions of such regulations.

(2) EXCEPTION.—The regulations prescribed under this section shall, with respect to individuals under subsection (c)(1)(C), be effective as of January 1, 1987.

SEC. 126. SPECIAL PAY OF VETERANS' ADMINISTRATION PHYSICIANS INCLUDED IN AVERAGE SALARY UNDER FERS.

Section 4118(f) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "81 or 83" and inserting in lieu thereof "81, 83, or 84"; and

(2) in paragraph (2)— 101 STAT. 1758

(A) in the first sentence, by striking "chapter 83 of title 5" and inserting in lieu thereof "chapter 83 or 84 of title 5, as the case may be";

(B) in the second sentence, by striking "section 8331(4)" and all that follows thereafter through "; or" and inserting in lieu thereof the following: "section 8331(4) or 8401(3) of such title (as applicable) only—

"(A) for the purposes of computing benefits paid under section 8337, 8341 (d) or (e), 8442(b), 8443, or 8451 of such title; or"; and

(C) in subparagraph (B), by inserting "if" at the beginning thereof.

5 USC 8341 note.

SEC. 127. APPLICATION DEADLINE FOR CERTAIN FORMER SPOUSES.

Section 4(b)(1)(B) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615; 98 Stat. 3205), as amended by section 201(b)(1)(C) of the Federal Employees Benefits Improvement Act of 1986 (Public Law 99-251; 100 Stat. 22), is amended—

(1) in clause (i), by inserting ", and before May 8, 1987" before the semicolon; and

(2) by amending clause (iv) to read as follows:

"(iv) the former spouse files an application for the survivor annuity with the Office on or before May 7, 1989; and"; and

(3) by amending clause (v) by striking out "at the time of filing such application" and inserting in lieu thereof "on May 7, 1987".

5 USC 8334 note.

SEC. 128. REFUNDS OF CERTAIN EXCESS DEDUCTIONS TAKEN AFTER 1983 TO OFFSET EMPLOYEES UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) REFUND ELIGIBILITY.—An individual shall upon written application to the Office of Personnel Management, receive a refund under subsection (b), if such individual—

(1) was subject to section 8334(a)(1) of title 5, United States Code, for any period of service after December 31, 1983, because of an election under section 208(a)(1)(B) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1107; 5 U.S.C. 8331 note);

(2) is not eligible to make an election under section 301(b) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599); and

(3) becomes subject to section 8334(k) of title 5, United States Code.

(b) REFUND COMPUTATION.—An individual eligible for a refund under subsection (a) shall receive a refund—

(1) for the period beginning on January 1, 1984, and ending on December 31, 1986, for the amount by which—

(A) the total amount deducted from such individual's basic pay under section 8334(a)(1) of title 5, United States Code, for service described in subsection (a)(1) of this section, exceeds

(B) 1.3 percent of such individual's total basic pay for such period; and

(2) for the period beginning on January 1, 1987, and ending on the day before such individual becomes subject to section 8334(k) of title 5, United States Code, for the amount by which—

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(A) the total amount deducted from such individual's basic pay under section 8334(a)(1) of title 5, United States Code, for service described in subsection (a)(1) of this section, exceeds

(B) the total amount which would have been deducted if such individual's basic pay had instead been subject to section 8334(k) of title 5, United States Code, during such period.

(c) INTEREST COMPUTATION.—A refund under this section shall be computed with interest in accordance with section 8334(e) of title 5, United States Code, and regulations prescribed by the Office of Personnel Management.

SEC. 129. ADJUSTMENTS IN METHODS OF ANNUITY PAYMENTS FOR YEARS WITH ZERO OR NEGATIVE INFLATION.

Section 8434(a)(2) (C) and (D) of title 5, United States Code, is amended to read as follows:

"(C) a method described in subparagraph (A) which provides for automatic adjustments in the amount of the annuity payable so long as the amount of the annuity payable in any one year shall not be less than the amount payable in the previous year;

"(D) a method described in subparagraph (B) which provides for automatic adjustments in the amount of the annuity payable so long as the amount of the annuity payable in any one year shall not be less than the amount payable in the previous year; and".

SEC. 130. COVERAGE UNDER THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM FOR INDIVIDUALS SUBJECT TO THE FOREIGN SERVICE PENSION SYSTEM WHO ENTER FEDERAL EMPLOYMENT OTHER THAN THE FOREIGN SERVICE.

Section 8402 of title 5, United States Code, is amended—

(1) in the matter following subparagraph (B) of paragraph (2) of subsection (b) by inserting "subsection (d) of this section or" before "title III"; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Paragraph (2) of subsection (b) shall not apply to an individual who becomes subject to subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (relating to the Foreign Service Pension System) pursuant to an election and who subsequently enters a position in which, but for such paragraph (2), he would be subject to this chapter.".

SEC. 131. ANNUITY COMPUTATIONS FOR THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

(a) SURVIVOR REDUCTION COMPUTATION.—Section 8419(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out ", shall be reduced" and inserting in lieu thereof "or one-half of the annuity, if jointly designated for this purpose by the employee or Member and the spouse of the employee or Member under procedures prescribed by the Office of Personnel Management, shall be reduced"; and

(2) in paragraph (2)(A) by striking out ", shall be reduced" and inserting in lieu thereof "or one-half of the annuity, if jointly designated for this purpose by the employee or Member and the spouse of the employee or Member under procedures prescribed by the Office of Personnel Management, shall be reduced". 101 STAT. 1760

(b) SURVIVOR BENEFITS.—Section 8442 of title 5, United States Code, is amended—

(1) in subsection (a)(1) by inserting after "with respect to the annuitant," the following: "(or one-half thereof, if designated for this purpose under section 8419 of this title),"; and

(2) in subsection (g)(1) by inserting after "paragraph (2)" the following: "(or one-half thereof if designated for this purpose under section 8419 of this title)".

SEC. 132. LOANS FROM EMPLOYEES' CONTRIBUTION TO THE THRIFT SAVINGS FUND.

Section 8433(i)(3) of title 5, United States Code, is amended to read as follows:

"(3) Loans under this subsection shall be available to all employees and Members on a reasonably equivalent basis, and shall be subject to such other conditions as the Board may by regulation prescribe. The restrictions of section 8477(c)(1) of this title shall not apply to loans made under this subsection.".

SEC. 133. FIDUCIARY RESPONSIBILITIES AND LIABILITIES IN MANAGEMENT OF THRIFT SAVINGS FUND.

(a) FIDUCIARY RESPONSIBILITIES AND LIABILITIES.—Section 8477(e) of title 5, United States Code, is amended—

(1) in paragraph (1)(A) by inserting before the period at the end of the first sentence a comma and "except as provided in paragraphs (3) and (4) of this subsection";

(2) in paragraph (1)(B) by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986";

(3) in paragraph (1)(D) by inserting "only" before "if" in the matter preceding clause (i);

(4) by redesignating paragraphs (4) and (5) as paragraphs (7) and (8), respectively; and

(5) by striking out paragraphs (2) and (3) and inserting in lieu thereof:

"(2) No civil action may be maintained against any fiduciary with respect to the responsibilities, liabilities, and penalties authorized or provided for in this section except in accordance with paragraphs (3) and (4).

"(3) A civil action may be brought in the district courts of the United States—

"(A) by the Secretary of Labor against any fiduciary other than a Member of the Board or the Executive Director of the Board—

"(i) to determine and enforce a liability under paragraph (1)(A);

"(ii) to collect any civil penalty under paragraph (1)(B);

"(iii) to enjoin any act or practice which violates any provision of subsection (b) or (c);

"(iv) to obtain any other appropriate equitable relief to redress a violation of any such provision; or

"(v) to enjoin any act or practice which violates subsection (g)(2) or (h) of section 8472 of this title;

"(B) by any participant, beneficiary, or fiduciary against any fiduciary—

101 STAT. 1761

"(i) to enjoin any act or practice which violates any provision of subsection (b) or (c);

"(ii) to obtain any other appropriate equitable relief to redress a violation of any such provision;

"(iii) to enjoin any act or practice which violates subsection (g)(2) or (h) of section 8472 of this title; or

"(C) by any participant or beneficiary—

"(i) to recover benefits of such participant or beneficiary under the provisions of subchapter III of this chapter, to enforce any right of such participant or beneficiary under such provisions, or to clarify any such right to future benefits under such provisions; or

Claims

"(ii) to enforce any claim otherwise cognizable under sections 1346(b) and 2671 through 2680 of title 28, if the remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for injury or loss of property caused by the negligent or wrongful act or omission of any fiduciary while acting within the scope of his duties or employment is exclusive of any other civil action or proceeding by the participant or beneficiary for recovery of money by reason of the same subject matter against the fiduciary (or the estate of such fiduciary) whose act or omission gave rise to such action or proceeding, whether or not such action or proceeding is based on an alleged violation of subsection (b) or (c).

"(4)(A) In all civil actions under paragraph (3)(A), attorneys appointed by the Secretary may represent the Secretary (except as provided in section 518(a) of title 28), however all such litigation shall be subject to the direction and control of the Attorney General.

"(B) The Attorney General shall defend any civil action or proceeding brought in any court against any fiduciary referred to in paragraph (3)(C)(ii) (or the estate of such fiduciary) for any such injury. Any fiduciary against whom such a civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such fiduciary (or an attested copy thereof) to the Executive Director of the Board, who shall promptly furnish copies of the pleading and process to the Attorney General and the United States Attorney for the district wherein the action or proceeding is brought.

"(C) Upon certification by the Attorney General that a fiduciary described in paragraph (3)(C)(ii) was acting in the scope of such fiduciary's duties or employment as a fiduciary at the time of the occurrence or omission out of which the action arose, any such civil action or proceeding commenced in a State court shall be—

"(i) removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division in which it is pending; and

"(ii) deemed a tort action brought against the United States under the provisions of title 28 and all references thereto.

"(D) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect. To the extent section 2672 of title 28 provides that persons other than the Attorney General or his designee may compromise and settle claims, and that payment of such claims may be made from agency appropriations, such provisions shall not apply to claims based upon an alleged violation of subsection (b) or (c). Claims. 101 STAT. 1762

"(E) For the purposes of paragraph (3)(C)(ii) the provisions of sections 2680(h) of title 28 shall not apply to any claim based upon an alleged violation of subsection (b) or (c). Claims.

"(F) Notwithstanding sections 1346(b) and 2671 through 2680 of title 28, whenever an award, compromise, or settlement is made under such sections upon any claim based upon an alleged violation of subsection (b) or (c), payment of such award, compromise, or settlement shall be made to the appropriate account within the Thrift Savings Fund, or where there is no such appropriate account, to the participant or beneficiary bringing the claim. Claims.

"(G) For purposes of paragraph (3)(C)(ii), fiduciary includes only the Members of the Board and the Board's Executive Director.

"(5) Any relief awarded against a Member of the Board or the Executive Director of the Board in a civil action authorized by paragraphs (3) and (4) may not include any monetary damages or any other recovery of money.

"(6) An action may not be commenced under paragraph (3) (A) or (B) with respect to a fiduciary's breach of any responsibility, duty, or obligation under subsection (b) or a violation of subsection (c) after the earlier of—

"(A) 6 years after (i) the date of the last action which constituted a part of the breach or violation, or (ii) in the case of an omission, the latest date on which the fiduciary could have cured the breach or violation; or

"(B) 3 years after the earliest date on which the plaintiff had actual knowledge of the breach or violation, except that, in the case of fraud or concealment, such action may be commenced not later than 6 years after the date of discovery of such breach or violation.". Fraud.

(b) EFFECTIVE DATE.—The provisions of section 8477(e) (1), (2), (3), (4), (5), and (6) of title 5, United States Code (as amended by subsection (a) of this section), shall apply to any civil action or proceeding arising from any act or omission occurring on or after October 1, 1986. 5 USC 8477 note.

(c) REPEAL.—The provisions of subsection (a) (and the amendments to section 8477(e) of title 5, United States Code, contained therein) and subsection (b) of this section are repealed effective on December 31, 1990. On and after December 31, 1990, the provisions of section 8477(e) of title 5, United States Code, shall be in effect as such provisions were in effect on the date immediately preceding the date of enactment of this section. 5 USC 8477 and note.

SEC. 134. AMENDMENTS CONCERNING REEMPLOYED ANNUITANTS.

(a) AMENDMENT TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.—Section 8468 is amended to read as follows:

5 USC 8468

"§ 8468. Annuities and pay on reemployment

"(a) If an annuitant, except a disability annuitant whose annuity is terminated because of the annuitant's recovery or restoration of earning capacity, becomes employed in an appointive or elective position, an amount equal to the annuity allocable to the period of actual employment shall be deducted from the annuitant's pay, except for lump-sum leave payment purposes under section 5551. Unless the annuitant's appointment is on an intermittent basis or is

101 STAT. 1763

to a position as a justice or judge (as defined by section 451 of title 28) or as an employee subject to another retirement system for Government employees, or unless the annuitant is serving as President, deductions for the Fund shall be withheld from the annuitant's pay under section 8422(a) and contributions under section 8423 shall be made. The deductions and contributions referred to in the preceding provisions of this subsection shall be deposited in the Treasury of the United States to the credit of the Fund. The annuitant's lump-sum credit may not be reduced by annuity paid during the reemployment.

"(b)(1)(A) If an annuitant subject to deductions under the second sentence of subsection (a) serves on a full-time basis for at least 1 year, or on a part-time basis for periods equivalent to at least 1 year of full-time service, the annuitant's annuity on termination of reemployment shall be increased by an annuity computed under section 8415 (a) through (f) as may apply based on the period of reemployment and the basic pay, before deduction, averaged during the reemployment.

"(B)(i) If the annuitant is receiving a reduced annuity as provided in section 8419, the increase in annuity payable under subparagraph (A) is reduced by 10 percent and the survivor annuity or combination of survivor annuities payable under section 8442 or 8445 (or both) is increased by 50 percent of the increase in annuity payable under subparagraph (A), unless, at the time of claiming the increase payable under subparagraph (A), the annuitant notifies the Office in writing that the annuitant does not desire the survivor annuity to be increased.

"(ii) If an annuitant who is subject to the deductions referred to in subparagraph (A) dies while still reemployed, after having been reemployed for not less than 1 year of full-time service (or the equivalent thereof, in the case of full-time employment), the survivor annuity payable is increased as though the reemployment had otherwise terminated.

"(2)(A) If an annuitant subject to deductions under the second sentence of subsection (a) serves on a full-time basis for at least 5 years, or on a part-time basis for periods equivalent to at least 5 years of full-time service, the annuitant may elect, instead of the benefit provided by paragraph (1), to have such annuitant's rights redetermined under this chapter.

"(B) If an annuitant who is subject to the deductions referred to in subparagraph (A) dies while still reemployed, after having been reemployed for at least 5 years of full-time service (or the equivalent thereof in the case of part-time employment), any person entitled to a survivor annuity under section 8442 or 8445 based on the service of such annuitant shall be permitted to elect, in accordance with regulations prescribed by the Office of Personnel Management, to have such person's rights under subchapter IV redetermined. A redetermined survivor annuity elected under this subparagraph shall be in lieu of an increased annuity which would otherwise be payable in accordance with paragraph (1)(B)(ii).

"(3) If an annuitant subject to deductions under the second sentence of subsection (a) serves on a full-time basis for a period of less than 1 year, or on a part-time basis for periods equivalent to less than 1 year of full-time service, the total amount withheld under section 8422(a) from the annuitant's basic pay for the period or periods involved shall, upon written application to the Office, be payable to the annuitant (or the appropriate survivor or survivors, determined in the order set forth in section 8424(d)).

"(c) This section does not apply to an individual appointed to serve as a Governor of the Board of Governors of the United States Postal Service. 101 STAT. 1764

"(d) If an annuitant becomes employed as a justice or judge of the United States, as defined by section 451 of title 28, the annuitant may, at any time prior to resignation or retirement from regular active service as such a justice or judge, apply for and be paid, in accordance with section 8424(a), the amount (if any) by which the lump-sum credit exceeds the total annuity paid, notwithstanding the time limitation contained in such section for filing an application for payment.

"(e) A reference in this section to an 'annuity' shall not be considered to include any amount payable from a source other than the Fund.".

(b) AMENDMENT TO FERSA.—Section 302(a)(12) of the Federal Employees' Retirement System Act of 1986 is amended to read as follows: 5 USC 8331 note

"(12)(A)(i) If the electing individual is a reemployed annuitant under section 8344 of title 5, United States Code, under conditions allowing the annuity to continue during reemployment, payment of the annuitant's annuity shall continue after the effective date of the election, and an amount equal to the annuity allocable to the period of actual employment shall continue to be deducted from the annuitant's pay and deposited as provided in subsection (a) of such section. Deductions from pay under section 8422(a) of such title and contributions under section 8423 of such title shall begin effective on the effective date of the election.

"(ii) Notwithstanding any provision of section 301, an election under such section shall not be available to any reemployed annuitant who would be excluded from the operation of chapter 84 of title 5, United States Code, under section 8402(c) of such title (relating to exclusions based on the temporary or intermittent nature of one's employment).

"(B) If the annuitant serves on a full-time basis for at least 1 year, or on a part-time basis for periods equivalent to at least 1 year of full-time service, such annuitant's annuity, on termination of reemployment, shall be increased by an annuity computed—

"(i) with respect to reemployment service before the effective date of the election, under section 8339 (a), (b), (d), (e), (h), (i), and (n) of title 5, United States Code, as may apply based on the reemployment in which such annuitant was engaged before such effective date; and

"(ii) with respect to reemployment service on or after the effective date of the election, under section 8415 (a) through (f) of such title, as may apply based on the reemployment in which such annuitant was engaged on or after such effective date;

with the 'average pay' used in any computation under clause (i) or (ii) being determined (based on rates of pay in effect during the period of reemployment, whether before, on, or after the effective date of the election) in the same way as provided for in paragraph (6). If the annuitant is receiving a reduced annuity as provided in section 8339(j) or section 8339(k)(2) of title 5, United States Code, the increase in annuity payable under this subparagraph is reduced by 10 percent and the survivor annuity payable under section 8341(b) of such title is increased by 55 percent of the increase in annuity payable under this subparagraph, unless, at the time of claiming the increase payable under this subparagraph, the annuitant notifies 101 STAT. 1765 the Office of Personnel Management in writing that such annuitant does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, after having been reemployed for at least 1 full year (or the equivalent thereof, in the case of part-time employment), any survivor annuity payable under section 8341(b) of such title based on the service of such annuitant is increased as though the reemployment had otherwise terminated. In applying paragraph (7) to an amount under this subparagraph, any portion of

such amount attributable to clause (i) shall be adjusted under subparagraph (A) of such paragraph, and any portion of such amount attributable to clause (ii) shall be adjusted under subparagraph (B) of such paragraph.

"(C)(i) If the annuitant serves on a full-time basis for at least 5 years, or on a part-time basis for periods equivalent to at least 5 years of full-time service, such annuitant may elect, instead of the benefit provided by subparagraph (B), to have such annuitant's rights redetermined, effective upon separation from employment. If the annuitant so elects, the redetermined annuity will become payable as if such annuitant were retiring for the first time based on the separation from reemployment service, and the provisions of this section concerning computation of annuity (other than any provision of this paragraph) shall apply.

Regulations

"(ii) If the annuitant dies while still reemployed, after having been reemployed for at least 5 full years (or the equivalent thereof, in the case of part-time employment), any person entitled to a survivor annuity under section 8341(b) of title 5, United States Code, based on the service of such annuitant shall be permitted to elect to have such person's rights redetermined in accordance with regulations which the Office shall prescribe. Redetermined benefits elected under this clause shall be in lieu of any increased benefits which would otherwise be payable in accordance with the next to last sentence of subparagraph (B).

"(D) If the annuitant serves on a full-time basis for less than 1 year (or the equivalent thereof, in the case of part-time employment), any amounts withheld under section 8422(a) of title 5, United States Code, from such annuitant's pay for the period (or periods) involved shall, upon written application to the Office, be payable to such annuitant (or the appropriate survivor or survivors, determined in the order set forth in section 8342(c) of such title).

"(E) For purposes of determining the period of an annuitant's reemployment service under this paragraph, a period of reemployment service shall not be taken into account unless—

"(i) with respect to service performed before the effective date of the election under section 301, it is service which, if performed for at least 1 full year, would have allowed such annuitant to elect under section 8344(a) of title 5, United States Code, to have deductions withheld from pay; or

"(ii) with respect to service performed on or after the effective date of the election under section 301, it is service with respect to which deductions from pay would be required to be withheld under the second sentence of section 8468(a) of title 5, United States Code.".

5 USC 8331 note

(c) TECHNICAL AMENDMENT.—Section 302(a)(4) of the Federal Employees' Retirement System Act of 1986 is amended by striking out all before "benefits" and inserting "Accrued".

5 USC 8468 note

(d) EFFECTIVE DATE.—

101 STAT. 1766

(1) GENERALLY.—The amendments made by this section shall take effect on the date of the enactment of this Act, and as provided in paragraph (2), shall apply with respect to any individual who becomes a reemployed annuitant on or after such date.

(2) EXCEPTION.—The amendment made by subsection (b) shall apply with respect to any election made by a reemployed annuitant on or after the date of the enactment of this Act.

Texas

SEC. 135. DESIGNATION OF UNITED STATES POST OFFICE BUILDING.

The United States Post Office Building located at 809 Nueces Bay Boulevard, Corpus Christi, Texas, shall be designated and hereafter known as the "Dr. Hector Perez Garcia Post Office Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Dr. Hector Perez Garcia Post Office Building".

SEC. 136. CONTINUED COVERAGE FOR CERTAIN EMPLOYEES AND ANNUITANTS OF THE ALASKA RAILROAD IN FEDERAL HEALTH BENEFITS PLANS AND LIFE INSURANCE PLANS.

(a) AMENDMENT TO ALASKA RAILROAD TRANSFER ACT OF 1982.—Section 607 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206) is amended by adding at the end thereof the following new subsection:

"(e)(1) Any person described under the provisions of paragraph (2) may elect life insurance coverage under chapter 87 of title 5, United States Code, and enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with the provisions of this subsection.

"(2) The provisions of paragraph (1) shall apply to any person who—

"(A)(i) retired from the State-owned railroad during the period beginning on or after January 4, 1985 through the date of enactment of this subsection; and

"(ii)(I) was covered under a life insurance policy pursuant to chapter 87 of title 5, United States Code, on January 4, 1985, for the purpose of electing life insurance coverage under the provisions of paragraph (1); or

"(II) was enrolled in a health benefits plan pursuant to chapter 89 of title 5, United States Code, on January 4, 1985, for the purpose of enrolling in a health benefits plan under the provisions of paragraph (1); or

"(B)(i) on the date of enactment of this subsection is an employee of the State-owned railroad; and

"(ii)(I) has 26 years or more of service (in the civil service as a Federal employee or as an employee of the State-owned railroad, combined) on the date of retirement from the State-owned railroad; and

"(II)(aa) was covered under a life insurance policy pursuant to chapter 87 of title 5, United States Code, on January 4, 1985, for the purpose of electing life insurance coverage under the provisions of paragraph (1); or

"(bb) was enrolled in a health benefits plan pursuant to chapter 89 of title 5, United States Code, on January 4, 1985, for the purpose of enrolling in a health benefits plan under the provisions of paragraph (1).

101 STAT. 1767

"(3) For purposes of this section, any person described under the provisions of paragraph (2) shall be deemed to have been covered under a life insurance policy under chapter 87 of title 5, United States Code, and to have been enrolled in a health benefits plan under chapter 89 of title 5, United States Code, during the period beginning on January 5, 1985 through the date of retirement of any such person.

"(4) The provisions of paragraph (1) shall not apply to any person described under paragraph (2)(B), until the date such person retires from the State-owned railroad.".

(b) ADMINISTRATIVE PROVISIONS.—Within 180 days after the date of enactment of this section, the Director of the Office of Personnel Management shall notify any person described under the provisions of section 607(e)(2)(A) of such Act, for the purpose of the election of a life insurance policy or the enrollment in a health benefits plan pursuant to the provisions of section 607(e)(1) of the Alaska Railroad Transfer Act of 1982 (as amended by subsection (a) of this section).

45 USC 1206 note

SEC. 137. Section 5402 of title 39, United States Code, is amended—

Alaska.

(1) in subsection (f) by striking out "January 1, 1989" and inserting in lieu thereof "January 1, 1999"; and

(2) by adding at the end thereof the following new subsection:

"(g)(1) The Postal Service, in selecting carriers of non-priority bypass mail to any point served by more than one carrier in the State of Alaska, shall, at a minimum, require that any such carrier shall—

Mail.
Aircraft and air carriers.

"(A) hold a certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371);

"(B) operate at least 3 scheduled flights each week to such point;

"(C) exhibit an adherence to such scheduled flights to the best of the abilities of such carrier; and

"(D) have provided scheduled service within the State of Alaska for at least 12 months before being selected as a carrier of non-priority bypass mail.

"(2) The Postal Service—

"(A) may provide direct mainline non-priority bypass mail service to any bush point in the State of Alaska, without regard to paragraph (1)(B), if such service is equal to or better than interline service in cost and quality; and

"(B) shall deduct the non-priority bypass mail poundage flown on direct mainline flights to bush points within the State of Alaska by any carrier, from such carrier's allocation of the total poundage of non-priority bypass mail transported to the nearest appropriate Postal Service hub point in any month.

"(3)(A) The Postal Service shall determine the bypass mail bush points and hub points described under paragraph (2)(B) after consultation with the State of Alaska and the affected local communities and air carriers.

"(B) Any changes in the determinations of the Postal Service under subparagraph (A) shall be made—

"(i) after consultation with the State of Alaska and the affected local communities and air carriers; and

"(ii) after giving 12 months public notice before any such change takes effect.

101 STAT. 1768

TITLE II—FOREIGN SERVICE RETIREMENT

PART A—GENERAL PROVISIONS

SEC. 201. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.).

SEC. 202. FORMER SPOUSES MARRIED BETWEEN 9 MONTHS AND 10 YEARS.

(a) IN GENERAL.—Subchapter I of chapter 8 (22 U.S.C. 4041 et seq.) is amended by adding after section 829 the following new section:

22 USC 4069–1

"SEC. 830. QUALIFIED FORMER WIVES AND HUSBANDS.—(a) Notwithstanding section 4(h) of the Civil Service Retirement Spouse Equity Act of 1984, section 827 of this Act shall apply with respect to section 8339(j), section 8341(e), and section 8341(h) of title 5, United States Code, and section 4 (except for subsection (b)) of the Civil Service Retirement Spouse Equity Act of 1984 to the extent that those sections apply to a qualified former wife or husband. For the purposes of this section any reference in the Civil Service Retirement Spouse Equity Act of 1984 to the effective date of that Act shall be deemed to be a reference to the effective date of this section.

"(b)(1) Payments pursuant to this section which would otherwise be made to a participant or former participant based upon his service shall be paid (in whole or in part) by the Secretary of State to another person if and to the extent expressly provided for in the terms of any court order or spousal agreement. Any payment under this paragraph to a person bars recovery by any other person.

"(2) Paragraph (1) shall only apply to payments made by the Secretary of State under this chapter after the date of receipt by the

Secretary of State of written notice of such court order or spousal agreement and such additional information and documentation as the Secretary of State may prescribe.

"(c) For the purposes of this section, the term 'qualified former wife or husband' means a former wife or husband of an individual if—

"(1) such individual performed at least 18 months of civilian service creditable under this chapter; and

"(2) the former wife or husband was married to such individual for at least 9 months but not more than 10 years.

"(d) Regulations issued pursuant to section 827 to implement this section shall be submitted to the Committee on Post Office and Civil Service and the Committee on Foreign Affairs of the House of Representatives and the Committee on Governmental Affairs and the Committee on Foreign Relations of the Senate. Such regulations shall not take effect until 60 days after the date on which such regulations are submitted to the Congress.". Regulations. Effective date.

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 829 the following:

"Sec. 830. Qualified former wives and husbands.".

101 STAT. 1769

SEC. 203. ELECTION TO PROVIDE SURVIVOR ANNUITY FOR CERTAIN SPOUSES ACQUIRED BEFORE THE EFFECTIVE DATE OF THE FOREIGN SERVICE ACT OF 1980. 22 USC 4046 note.

(a) ELECTION.—A former participant who married his or her current spouse before the effective date of the Foreign Service Act of 1980 and who married such spouse after retirement under the Foreign Service Retirement and Disability System and who was unable to provide a survivor annuity for such spouse because—

(1) the participant was married at the time of retirement and elected not to provide a survivor annuity for that spouse at the time of retirement, or

(2) subject to subsection (e), the participant failed to notify the Secretary of State of the participant's post-retirement marriage within one year after the marriage,

may make the election described in subsection (b).

(b) ELECTION DESCRIBED.—

(1) The election referred to in subsection (a) is an election in writing—

(A) to provide for a survivor annuity for such spouse under section 806(g) of the Foreign Service Act of 1980 (22 U.S.C. 4046(g));

(B) to have his or her annuity reduced under section 806(b)(2) of such Act; and

(C) to deposit in the Foreign Service Retirement and Disability Fund an amount determined by the Secretary of State, as nearly as may be administratively feasible, to reflect the amount by which such participant's annuity would have been reduced had the election been continuously in effect since the annuity commenced, plus interest computed under paragraph (2).

(2) For the purposes of paragraph (1), the annual rate of interest shall be 6 percent for each year during which the annuity would have been reduced if the election had been in effect on and after the date the annuity commenced.

(c) OFFSET.—If the participant does not make the deposit referred to in subsection (b)(1)(C), the Secretary of State shall collect such amount by offset against such participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to such participant. Such participant is deemed to consent to such offset.

(d) NOTICE.—The Secretary of State shall provide for notice to the general public of the right to make an election under this section.

(e) PROOF OF ATTEMPTED ELECTION.—In any case in which subsection (a)(2) applies, the retired employee or Member shall provide the Secretary of State with such documentation as the Secretary of State shall decide is appropriate, to show that such participant attempted to elect a reduced annuity with survivor benefit for his or her current spouse and that such election was rejected by the Secretary of State because it was untimely filed.

(f) DEPOSIT.—A deposit required by this subsection may be made by the surviving spouse of the participant.

(g) LIMITATION.—The election authorized in subsection (a) may only be made within one year after the date of enactment of this title in accordance with procedures prescribed by the Secretary of State.

(h) DEFINITIONS.—For the purposes of this section, the terms 101 STAT. 1770 "participant" and "surviving spouse" have the same meaning given such terms in subchapter I of chapter 8 of the Foreign Service Act of 1980.

SEC. 204. BENEFITS FOR CERTAIN FORMER SPOUSES OF MEMBERS OF THE FOREIGN SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 8 (22 U.S.C. 3901 et seq.), as amended by section 202 of this title, is amended by inserting after section 830 the following:

22 USC 4069a-1 "SEC. 831. RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.

"(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the benefits of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

"(c)(1) The entitlement of a former spouse to benefits under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service the benefits are based becomes entitled to benefits under this chapter; or

"(ii) the first day of the month in which the divorce or annulment involved becomes final; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

"(ii) the date of the benefits of the participant terminates.

"(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

"(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

"(3) Benefits under this section shall be treated the same as an annuity under section 814(a)(7) for purposes of section 806(h) or any comparable provision of law.

"(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant. 101 STAT. 1771

"(B) Upon approval of an application provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

"(d) For the purpose of this section, the term 'benefits' means—

"(1) with respect to a participant or former participant subject to this subchapter, the annuity of the participant or former participant; and

"(2) with respect to a participant or former participant subject to subchapter II, the benefits of the participant or former participant under that subchapter.

"(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

"SEC. 832. SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES. 22 USC 4069b-1.

"(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

"(1) the full amount of the participant's or former participant's annuity, as computed under this chapter; or

"(2) the full amount of what such annuity as so computed would be if the participant or former participant had not withdrawn a lump-sum portion of contributions made with respect to such annuity.

"(b) If an election has been made with respect to such former spouse under section 2109 or 806(f), then the survivor annuity under subsection (a) of such former spouse shall be equal to the full amount of the participant's or former participant's annuity referred to in subsection (a) less the amount of such election.

"(c) A former spouse shall not be entitled to a survivor annuity under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

"(d)(1) The entitlement of a former spouse to a survivor annuity under this section—

"(A) shall commence—

"(i) in the case of a former spouse of a participant or former participant who is deceased as of the effective date of this section, beginning on such date; and

"(ii) in the case of any other former spouse, beginning on the later of—

"(I) the date that the participant or former participant to whom the former spouse was married dies; or

"(II) the effective date of this section; and

"(B) shall terminate on the last day of the month before the former spouse's death or remarriage before attaining the age 55.

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"(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

"(B) Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before the effective date of this section.

"(e) The Secretary shall—

Regulations

"(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

"(2) to the extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or former participant on February 14, 1981, of any rights which such individual may have under this section.

"(f) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

22 USC 4069c-1.

"SEC. 833. HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.

"(a) Except as provided in subsection (c)(1), any individual—

"(1) formerly married to an employee or former employee of the Foreign Service, whose marriage was dissolved by divorce or annulment before May 7, 1985;

"(2) who, at any time during the 18-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

"(3) who was married to such employee for not less than 10 years during periods of government service by such employee, is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

Regulations

"(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the 6-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

"(A) files an election for such enrollment; and

"(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States Code, an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

"(2) The Secretary shall, as soon as possible, take all steps practicable—

"(A) to determine the identity and current address of each

101 STAT. 1773

former spouse eligible for coverage under subsection (a); and

"(B) to notify each such former spouse of that individual's rights under this section.

"(3) The Secretary shall waive the 6-month limitation set forth in paragraph (1) in any case in which the Secretary determines that the circumstances so warrant.

"(c)(1) Any former spouse who remarries before age 55 is not eligible to make an election under subsection (b)(1).

Regulations

"(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enroll-

ment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age 55 shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

"(d) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

"(e) For purposes of this section the term 'health benefits plan' means an approved health benefits plan under chapter 89 of title 5, United States Code.".

(b) CONFORMING AMENDMENT.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting after the item relating to section 830 the following:

"Sec. 831. Retirement benefits for certain former spouses.
"Sec. 832. Survivor benefits for certain former spouses.
"Sec. 833. Health benefits for certain former spouses.".

PART B—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

SEC. 211. DEFINITION OF SURVIVING SPOUSE.

Paragraph (13) of section 804 (22 U.S.C. 4044) is amended—

(1) by striking out ", in the case of death in service or marriage after retirement,";

(2) by striking out "one year" and inserting in lieu thereof "9 months"; and

(3) by inserting before the semicolon the following: ", except that the requirement for at least 9 months of marriage shall be deemed satisfied in any case in which the participant or annuitant dies within the applicable 9-month period, if—

"(A) the death of such participant or annuitant was accidental; or

"(B) the surviving spouse of such individual had been previously married to the individual and subsequently divorced and the aggregate time married is at least 9 months".

SEC. 212. CONTRIBUTIONS FOR PRIOR SERVICE.

Paragraph (1) of section 805(d) (22 U.S.C. 4045(d)) is amended—

(1) by striking out "equal to" and inserting in lieu thereof ". Special contributions for purposes of subparagraph (A) shall equal"; and

(2) by adding at the end thereof the following: "Special contributions for refunds under subparagraph (B) shall equal the amount of the refund received by the participant.".

101 STAT. 1774

SEC. 213. COMPUTATION OF ANNUITIES.

(a) JOINT ELECTION TO WAIVE SURVIVOR ANNUITY WITH RESPECT TO A FORMER SPOUSE.—Subparagraph (C) of section 806(b)(1) (22 U.S.C. 4046(b)(1)) is amended by striking out "12-month" and inserting in lieu thereof "24-month".

(b) RECALL SERVICE.—Paragraph (2) of section 806(i) (22 U.S.C. 4046 (i)) is amended by striking out "section 814(b)" and inserting in lieu thereof "this subchapter".

SEC. 214. SURVIVOR BENEFITS FOR CHILDREN.

(a) SURVIVOR BENEFITS FOR CHILDREN.—Section 806 of chapter 8 (22 U.S.C. 4046) (as amended by section 213 of this Act) is amended—

(1) in subsection (c), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant" after "survived by a spouse" each place it appears; and

(2) in subsection (d), by amending the first sentence to read as follows: "On the death of the surviving spouse or former spouse

or termination of the annuity of a child, the annuity of any other child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the participant.".

(b) DEATH IN SERVICE.—Section 809 (22 U.S.C. 4049) is amended—

(1) in subsection (c), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant," after "spouse"; and

(2) in subsection (d), by inserting "or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant," after "spouse,".

SEC. 215. MINIMUM AGE REQUIREMENT.

(a) DISABILITY ANNUITY.—Subsections (a) and (b) of section 808 (22 U.S.C. 4048) are each amended by striking out "65" each place it appears and inserting in lieu thereof "60".

(b) DEATH IN SERVICE.—Subsection (e) of section 809 (22 U.S.C. 4049) is amended by striking out "65" and inserting in lieu thereof "60".

SEC. 216. VOLUNTARY RETIREMENT.

Section 811 of chapter 8 (22 U.S.C. 4051) is amended by adding at the end thereof the following: "The Secretary shall withhold consent for retirement under this section by any participant who has not been a member of the Service for 5 years. Any participant who voluntarily separates from the Service before completing 5 years in the System and who, on the date of separation, would be eligible for an annuity, based on a voluntary separation, under section 8336 or 8338 of title 5, United States Code, if the participant had been covered under the Civil Service Retirement System rather than subject to this chapter while a member of the Service, may receive an annuity under section 8336 or 8338, notwithstanding section 8333(b) of title 5, United States Code, if all contributions transferred to the Fund under section 805(c)(1) of this Act, as well as all contributions withheld from the participant's pay or contributed by the employer, and deposited into the Fund during the period he or she was subject to this chapter, including interest on these amounts, are transferred to the Civil Service Retirement and Disability Fund effective on the date the participant separates from the Service.".

101 STAT. 1775

SEC. 217. FORMER SPOUSES.

22 USC 4054.

(a) 5 YEAR FOREIGN SERVICE REQUIREMENT.—Paragraph (1) of section 814(a) is amended by inserting "if such former spouse was married to the participant for at least 10 years during service of the participant which is creditable under this chapter with at least 5 of such years occurring while the participant was a member of the Foreign Service and" after "annuity".

(b) COURT ORDER EFFECTIVE 24 MONTHS AFTER MARRIAGE IS DISSOLVED.—Paragraph (4) of section 814(a) (22 U.S.C. 4054(a)) is amended by striking out "12" and inserting in lieu thereof "24".

(c) MONTHLY RATE OF ANNUITY NOT APPLICABLE IN CERTAIN SITUATION.—

(1) Subsection (1) of section 806 (22 U.S.C. 4046) is repealed.

(2) Subsection (d) of section 814 (22 U.S.C. 4054) is repealed.

SEC. 218. LUMP SUM PAYMENTS.

(a) REQUIREMENTS FOR PAYMENT.—Subsection (a) of section 815 (22 U.S.C. 4055) is amended to read as follows:

"(a)(1) A participant is entitled to be paid a lump-sum credit if the participant—

"(A) is separated from the Service for at least 31 consecutive days, or is transferred to a position in which the participant is not subject to this chapter and remains in such a position for at least 31 consecutive days;

"(B) files an application with the Secretary of State for payment of the lump-sum credit;

"(C) is not reemployed in a position in which the participant is subject to this chapter at the time the participant files the application;

"(D) will not become eligible to receive an annuity under this subchapter within 31 days after filing the application; and

"(E) has notified any spouse or former spouse the participant may have of the application for payment in accordance with regulations prescribed by the Secretary of State.

Such regulations may provide for waiver of subparagraph (E) under circumstances described in section 806(b)(1)D).

"(2) Such lump-sum credit shall be paid to the participant and to any former spouse of the participant in accordance with subsection (i).".

SEC. 219. COST OF LIVING ADJUSTMENTS.

Paragraph (1) of section 826(c) (22 U.S.C. 4066(c)) is amended to read as follows:

"(1) The first increase (if any) made under this section to an annuity which is payable from the Fund to a participant or to the surviving spouse or former spouse of a deceased participant who died in service or a deceased annuitant whose annuity was not increased under this section, shall be equal to the product (adjusted to the nearest $\frac{1}{10}$ of 1 percent) of—

"(A) $\frac{1}{12}$ of the applicable percent change computed under subsection (b) of this section, multiplied by

"(B) the number of months (counting any portion of a month as a month)—

"(i) for which the annuity was payable from the Fund before the effective date of the increase, or

"(ii) in the case of a surviving spouse or former spouse of a deceased annuitant whose annuity has not been so increased, since the annuity was first payable to the deceased annuitant.". 101 STAT. 1776

PART C—FOREIGN SERVICE PENSION SYSTEM

SEC. 241. DEFINITION OF LUMP-SUM CREDIT.

Section 852 of chapter 8 (22 U.S.C. 4071a) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) the term 'lump-sum credit' means the unrefunded amount consisting of—

"(A) retirement deductions made from the basic pay of a participant under section 856 of this chapter (or under section 204 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983);

"(B) amounts deposited by a participant under section 854 to obtain credit under this System for prior civilian or military service; and

"(C) interest on the deductions and deposits which, for any calendar year, shall be equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury during such fiscal year under section 819, as determined by the Secretary of the Treasury (compounded annually); but does not include interest—

"(i) if the service covered thereby aggregates 1 year or less; or

"(ii) for a fractional part of a month in the total service;".

SEC. 242. CONTRIBUTION FOR CREDITABLE SERVICE OF EMPLOYEE OF A MEMBER OR OFFICE OF THE CONGRESS.

The second sentence of subsection (e) of section 854 (22 U.S.C. 4071c) is amended—

(1) by striking out "matching"; and

(2) by inserting "determined under section 857(a)" after "participant)".

SEC. 213. CONFORMING AMENDMENT, HEALTH CARE.

Subsection (b) of section 904 (22 U.S.C. 4084) is amended by inserting "or Foreign Service Pension System" after "Foreign Service Retirement and Disability System".

PART D—SAVINGS PROVISIONS AND EFFECTIVE DATE

22 USC 4054 note

SEC. 261. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect 90 days after the date of enactment of this title.

(b) EXCEPTIONS.—

(1) The amendments made by section 202 shall apply to any individual who, on or after the date of enactment of this title, is married to a participant or former participant.

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(2) The amendment made by section 217(a) shall not apply with respect to the former spouse of a participant or former participant who is subject to subchapter I of chapter 8 of the Foreign Service Act of 1980 if, on the date of enactment of this title, that former spouse—

(A) was the spouse of that participant or former participant; or

(B) is entitled to an annuity under section 814 of the Foreign Service Act of 1980 pursuant to the divorce or annulment of the marriage to that participant or former participant.

(c) DEFINITIONS.—For the purpose of this section, the terms "participant" and "former participant" have the same meaning as such terms in chapter 8 of the Foreign Service Act of 1980.

Approved January 8, 1988.

LEGISLATIVE HISTORY—H.R. 3395:

HOUSE REPORTS: No. 100-374 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Oct. 19, considered and passed House.
Dec. 19, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):
Jan. 8, Presidential statement.

Public Law 100-48
100th Congress

101 STAT. 331

An Act

To amend title 38, United States Code, to make permanent the new GI bill educational assistance programs established by chapter 30 of such title, and for other purposes.

June 1, 1987
[H.R. 1085]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

New GI Bill Continuation Act.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "New GI Bill Continuation Act".

SEC. 2. SHORT TITLE OF THE NEW GI BILL.

Section 701 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 38 U.S.C. 101 note) is amended to read as follows:

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Montgomery GI Bill Act of 1984'.".

SEC. 3. CONTINUATION OF ALL-VOLUNTEER FORCE VETERANS' EDUCATIONAL ASSISTANCE UNDER THE NEW GI BILL PROGRAM.

(a) ACTIVE DUTY PROGRAM.—Section 1411(a)(1)(A) of title 38, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988," and inserting in lieu thereof "after June 30, 1985,".

(b) ACTIVE DUTY AND SELECTIVE RESERVE PROGRAM.—Section 1412(a)(1)(A) of title 38, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988," and inserting in lieu thereof "after June 30, 1985,".

SEC. 4. CONTINUATION OF EDUCATION ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE UNDER THE NEW GI BILL.

Section 2132(a)(1) of title 10, United States Code, is amended by striking out "during the period beginning on July 1, 1985, and ending on June 30, 1988" and inserting in lieu thereof "after June 30, 1985".

SEC. 5. REVISION OF DECLARED PURPOSES.

Section 1401 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (2) and redesignating clauses (2) and (3) as clauses (4) and (5) respectively;

(2) by inserting after clause (1) the following new clauses:

"(2) to extend the benefits of a higher education to qualifying men and women who might not otherwise be able to afford such an education;

"(3) to provide for vocational readjustment and to restore lost educational opportunities to those service men and women who served on active duty after June 30, 1985;";

101 STAT. 332

(3) by striking out the period at the end of clause (5), as redesignated by clause (1) of this section, and inserting in lieu thereof "; and"; and

(4) by inserting at the end the following new clause:

"(6) to enhance our Nation's competitiveness through the development of a more highly educated and productive work force.".

Approved June 1, 1987.

LEGISLATIVE HISTORY—H.R. 1085 (S. 12):

HOUSE REPORTS: No. 100-22, Pt. 1 (Comm. on Veterans' Affairs); Pt. 2 (Comm. on Armed Services).
SENATE REPORTS: No. 100-13 accompanying S. 12 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Mar. 17, considered and passed House.
May 8, considered and passed Senate, amended, in lieu of S. 12.
May 13, House concurred in Senate amendment with amendment; Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
June 1, Presidential statement and remarks.

101 STAT. 813 Public Law 100-136
100th Congress

An Act

Oct. 16, 1987
[S. 1691]

To provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSIONS.

Effective date.
38 USC 1816 note.

(a) FORMULA.—Notwithstanding section 2512(c) of the Deficit Reduction Act of 1984 (Public Law 98-369), the provisions of section 1816(c) of title 38, United States Code, shall continue in effect through November 15, 1987.

38 USC 1829 note.

(b) FEES.—Notwithstanding subsection (c) of section 1829 of such title, fees may be collected under such section with respect to loans closed through November 15, 1987.

SEC. 2. SALE OF VENDEE LOANS.

Section 1816(d)(3) of title 38, United States Code, is amended to read as follows:

"(3) The Administrator may sell any note securing such a loan—

"(A) with recourse; or

"(B) without recourse but only if the amount received is equal to an amount which is not less than the unpaid balance of such loan.".

Approved October 16, 1987.

LEGISLATIVE HISTORY—S. 1691:

CONGRESSIONAL RECORD, Vol. 133 (1987):
Sept. 17, considered and passed Senate.
Oct. 1, considered and passed House, amended. Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23, (1987):
Oct. 16, Presidential statement.

Public Law 100-198
100th Congress

101 STAT. 1315

An Act

To amend title 38, United States Code, to modify the amount of the Veterans' Administration home loan guaranty and to make other improvements in the loan guaranty program, and for other purposes.

Dec. 21, 1987
[H.R. 2672]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987.
Housing.
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987".

(b) REFERENCE.—Whenever in this Act an amendment, repeal, or redesignation is expressed in terms of an amendment to, or repeal or redesignation of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code, unless otherwise specified.

SEC. 2. LOAN FEE.

(a) EXTENSION.—Section 1829(c) is amended by striking out "1987" and inserting in lieu thereof "1989".

(b) WAIVER.—Section 1829(b) is amended by striking out "described in section 1801(b)(2) of this title" and inserting in lieu thereof "of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability".

SEC. 3. GUARANTY AMOUNT.

(a) PURCHASE OR CONSTRUCTION OF HOMES.—(1) Section 1803(a)(1) is amended to read as follows:

"(a)(1) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes specified in section 1810 of this title and in compliance with the provisions of this chapter, is automatically guaranteed by the United States in an amount not to exceed—

"(A) in the case of any loan of not more than $45,000, 50 percent of the loan; or

"(B) in the case of any loan of more than $45,000, 40 percent of the loan or $36,000, whichever is less, except that the amount of such guaranty for any such loan shall not be less than $22,500;

reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title.".

(2) Section 1810(c) is repealed.

(b) MANUFACTURED HOMES.—Section 1819(c) is amended—

(1) in paragraph (3), by striking out the first sentence and inserting in lieu thereof the following: "The Administrator's guaranty may not exceed 40 percent of the loan, or $20,000, whichever is less, reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title."; and

101 STAT. 1316

(2) in paragraph (4), by striking out the first sentence and inserting in lieu thereof "The amount of any loan guaranteed under this section shall not exceed an amount equal to 95 percent of the purchase price of the property securing such loan.".

(c) DIRECT LOANS.—Section 1811(d)(2)(A) is amended by striking out "$27,500" each place it appears and inserting in lieu thereof "$36,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to loans which are closed on or after February 1, 1988, except that they shall not apply to any loan for which a guaranty commitment is made on or before December 31, 1987.

38 USC 1803 note.

SEC. 4. FINANCIAL INFORMATION AND COUNSELING ASSISTANCE FOR VETERANS.

(a) ASSISTANCE TO VETERANS.—Section 1816(a) is amended by adding at the end the following new paragraph:

"(4)(A) Upon receiving a notice pursuant to paragraph (1) of this subsection, the Administrator shall—

"(i) provide the veteran with information and, to the extent feasible, counseling regarding—

"(I) alternatives to foreclosure, as appropriate in light of the veteran's particular circumstances, including possible methods of curing the default, conveyance of the property to the Administrator by means of a deed in lieu of foreclosure, and the actions authorized by section 1816(a)(2) of this title; and

"(II) what the Veterans' Administration's and the veteran's liabilities would be with respect to the loan in the event of foreclosure; and

"(ii) advise the veteran regarding the availability of such counseling;

except with respect to loans made by a lender which the Administrator has determined has a demonstrated record of consistently providing timely and accurate information to veterans with respect to such matters.

"(B) The Administrator shall, to the extent of the availability of appropriations, ensure that sufficient personnel are available to administer subparagraph (A) of this paragraph effectively and efficiently.

Termination date.

"(C) The authority to carry out this paragraph shall terminate on March 1, 1991.".

38 USC 1816 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 1, 1988.

SEC. 5. ACTIONS WITH RESPECT TO DEFAULTED LOANS.

(a) DETERMINATION OF TOTAL INDEBTEDNESS.—Section 1816(c) is amended—

(1) in paragraph (1)(D), by striking out "The" and inserting in lieu thereof "Except as provided in subparagraph (D) of paragraph (10) of this subsection, the";

(2) in clause (ii) of paragraph (1)(D), by striking out "of the liquidation sale" and all that follows in such clause and inserting in lieu thereof the following: "applicable under paragraph (10) of this subsection, and";

101 STAT. 1317

(3) in clause (iii) of paragraph (1)(D), by striking out "such regulations" and inserting in lieu thereof "regulations prescribed by the Administrator to implement this subsection"; and

(4) by adding at the end the following new paragraphs:

"(10)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, the date referred to in paragraph (1)(D)(ii) of this subsection shall be the date of the liquidation sale of the property securing the loan.

Regulations.

"(B)(i) Subject to division (ii) of this subparagraph, in any case in which there is a substantial delay in such sale caused by the holder of the loan exercising forebearance at the request of the Administrator, the date referred to in paragraph (1)(D)(ii) of this subsection shall be such date, on or after the date on which forebearance was requested and prior to the date of such sale, as the Administrator specifies pursuant to regulations which the Administrator shall prescribe to implement this paragraph.

"(ii) The Administrator may specify a date under subdivision (i) of this subparagraph only if, based on the use of a date so specified for the purposes of such paragraph (1)(D)(ii), the Administrator is authorized, under paragraph (7)(A) of this subsection, to accept conveyance of the property.

"(C) In any case in which there is an excessive delay in such liquidation sale caused—

"(i) by the Veterans' Administration (including any delay caused by its failure to provide bidding instructions in a timely fashion); or

"(ii) by a voluntary case commenced under title 11, United States Code (relating to bankruptcy);

the date referred to in paragraph (1)(D)(ii) of this subsection shall be a date, earlier than the date of such liquidation sale, which the Administrator specifies pursuant to regulations which the Administrator shall prescribe to implement this paragraph.

"(D) For the purpose of determining the liability of the United States under a loan guaranty under clause (B) of paragraphs (5), (6), (7), and (8) of this subsection, the amount of the total indebtedness with respect to such loan guaranty shall include, in any case in which there was an excessive delay caused by the Veterans' Administration in the liquidation sale of the property securing such loan, any interest which had accrued as of the date of such sale and which would not be included, except for this subparagraph, in the calculation of such total indebtedness as a result of the specification of an earlier date under subparagraph (C)(i) of this paragraph.

"(11) This subsection shall cease to have effect on October 1, 1989.".

(b) REPEAL.—Paragraph (2) of section 2512(c) of the Deficit Reduction Act of 1984 (Public Law 98-369; 98 Stat. 1117) is repealed. 38 USC 1816 note.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to defaults which occur more than 60 days after the date of the enactment of this Act. 38 USC 1816 note.

SEC. 6. CASH SALES OF PROPERTIES ACQUIRED THROUGH FORECLOSURES.

(a) NUMBER OF VENDEE LOANS.—(1) Section 1816(d)(1) is amended by striking out "not more than 75 percent, nor less than 60 percent," in the first sentence and inserting in lieu thereof "not more than 65 percent, nor less than 50 percent,".

101 STAT. 1318

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1987. Effective date. 38 USC 1816 note.

(b) MAXIMUM AMOUNT AND REHABILITATION LOANS.—(1) Section 1816(d) is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B) of this paragraph, the amount of a loan made by the Administrator to finance the purchase of real property from the Administrator described in paragraph (1) of this subsection may not exceed an amount equal to 95 percent of the purchase price of such real property.

"(B) The Administrator may waive the provisions of subparagraph (A) of this paragraph in the case of any loan described in paragraph (5) of this subsection.

"(5) The Administrator may include, as part of a loan to finance a purchase of real property from the Administrator described in paragraph (1) of this subsection, an amount to be used only for the purpose of rehabilitating such property. Such amount may not exceed the amount necessary to rehabilitate the property to a habitable state, and payments shall be made available periodically as such rehabilitation is completed.

"(6) This subsection shall cease to have effect on October 1, 1990.".

(2) The amendment made by this subsection shall apply to loans made more than 30 days after the date of the enactment of this Act. 38 USC 1816 note.

(c) REPORT.—The Administrator of Veterans' Affairs shall, by March 1, 1990, transmit to the Congress a report of the activities carried out, through December 31, 1989, under paragraphs (4) and (5) of section 1816(d) of title 38, United States Code, as added by subsection (b) of this section. 38 USC 1816 note.

SEC. 7. REFINANCING HOME LOANS.

(a) LOANS GUARANTEED OR INSURED BY THE VETERANS' ADMINISTRATION.—Section 1810(e)(1) is amended—

(1) in clause (B), by striking out "and such" and all that follows through "home"; and

(2) in clause (D), by striking out "and";

(3) in clause (E), by striking out the period and inserting in lieu thereof "by more than 10 years; and"; and

(4) by adding at the end the following new clause:

"(F) the veteran must own the dwelling or farm residence securing the loan and—

"(i) must occupy such dwelling or residence as such veteran's home;

"(ii) must have previously occupied such dwelling or residence as such veteran's home and must certify, in such form as the Administrator shall require, that the veteran has previously so occupied such dwelling or residence; or

"(iii) in any case in which a veteran is in active duty status as a member of the Armed Forces and is unable to occupy such residence or dwelling as a home because of such status, the spouse of the veteran must occupy, or must have previously occupied, such dwelling or residence as such spouse's home and must certify such occupancy in such form as the Administrator shall require.".

(b) MANUFACTURED HOUSING LOANS.—Section 1819(a)(4)(A) is amended—

(1) in clause (ii), by striking out "and such" and all that follows through "veteran's home";

101 STAT. 1319

(2) in clause (iv), by striking out "and";

(3) in clause (v), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new clause:

"(vi) the veteran must own the manufactured home, or the manufactured-home lot, or the manufactured home and the manufactured-home lot, securing the loan and—

"(I) must occupy the home, a manufactured home on the lot, or the home and the lot, securing the loan;

"(II) must have previously occupied the home, a manufactured home on the lot, or the home and the lot, securing the loan as the veteran's home and must certify, in such form as the Administrator shall require, that the veteran has previously so occupied the home (or such a home on the lot); or

"(III) in any case in which a veteran is in active duty status as a member of the Armed Forces and is unable to occupy the home, a manufactured home on the lot, or the home and the lot, as a home because of such status, the spouse of the veteran must occupy, or must have previously occupied, the manufactured home on the lot, or the home and the lot, as such spouse's home and must certify such occupancy in such form as the Administrator shall require.".

(c) AMOUNTS OF OTHER REFINANCING LOANS.—Section 1810 is amended by adding at the end the following new subsection:

"(h) The amount of a loan guaranteed for the purpose specified in subsection (a)(5) of this section may not exceed the amount equal to 90 percent of the appraised value of the dwelling or farm residence which will secure the loan, as determined by the Administrator.".

38 USC 1810 note.

(d) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) of this section shall apply to loans made more than 30 days after the date of the enactment of this Act.

(2) The amendment made by subsection (c) of this section shall apply to loans for which commitments are made more than 60 days after the date of the enactment of this Act.

SEC. 8. OCCUPANCY REQUIREMENTS.

(a) ORIGINAL LOANS.—(1) Section 1804(c) is amended—

(A) by striking out "(c) No" and inserting in lieu thereof "(c)(1) Except as provided in paragraph (2) of this subsection, no";

(B) by striking out "No loan" in the second sentence and inserting in lieu thereof "Except as provided in paragraph (2) of this subsection, no loan"; and

(C) by adding at the end the following new paragraph:

"(2) In any case in which a veteran is in active duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements of—

"(A) paragraph (1) of this subsection;

"(B) paragraphs (1) through (5) and paragraph (7) of section 1810(a) of this title;

"(C) section 1819(a)(5)(A)(i) of this title; and

"(D) section 1819(e)(5) of this title;

shall be considered to be satisfied if the spouse of the veteran occupies the property as the spouse's home and the spouse makes the certification required by paragraph (1) of this subsection.". 101 STAT. 1320

(2) Section 1810(a) is amended by striking out "(a) Any" and inserting in lieu thereof "(a) Except as provided in section 1804(c)(2) of this title, any".

(b) MANUFACTURED HOUSING LOANS.—(1) Section 1819(a)(5)(A)(i) is amended by inserting "(except as provided in section 1804(c)(2) of this title)" after "by the veteran".

(2) Section 1819(e)(5) is amended by inserting before the semicolon the following: "; except that the requirement of this clause shall not apply (A) in the case of a guaranteed loan that is for the purpose described in paragraph (1)(F) of subsection (a), or (B) in the case described in section 1804(c)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to loans made more than 30 days after the date of the enactment of this Act. 38 USC 1804 note.

SEC. 9. PROPERTY MANAGEMENT.

(a) HOMELESS PROGRAM.—(1) To assist homeless veterans and their families acquire shelter, the Administrator of Veterans' Affairs may enter into agreements described in paragraph (2) of this subsection with— 38 USC 1820 note.

(A) nonprofit organizations, with preference being given to any organization named in, or approved by the Administrator under, section 3402 of title 38, United States Code; or

(B) any State, as defined in section 101(20) of such title, or any political subdivision thereof.

(2) To carry out paragraph (1) of this subsection, the Administrator may enter into agreements to sell real property, and improvements thereon, acquired by the Administrator as the result of a default on a loan made or guaranteed under chapter 37 of title 38, United States Code. Such sale shall be for such consideration as the Administrator determines is in the best interests of homeless veterans and the Federal Government.

(3) The Administrator may enter into an agreement under paragraph (1) only if—

(A) the Administrator determines that such an action will not adversely affect the Veterans' Administration's ability—

(i) to fulfill its statutory missions with respect to the Veterans' Administration loan guaranty program and the short- and long-term solvency of the Loan Guaranty Revolving Fund under such chapter 37; or

(ii) to carry out other functions and administer other programs authorized by law;

(B) the entity to which the property is sold agrees to (i) utilize the property solely as a shelter primarily for homeless veterans and their families, (ii) comply with all zoning laws relating to the property, (iii) make no use of the property that is not compatible with the area where the property is located, and (iv) take such other actions as the Administrator determines are necessary or appropriate in the best interests of homeless veterans and the Federal Government; and

(C) the Administrator determines that there is no significant likelihood of the property being sold for a price sufficient to reduce the liability of the Veterans' Administration or the veteran who had defaulted on the loan guaranteed under such chapter 37.

(4) Any agreement, deed, or other instrument executed by the
101 STAT. 1321 Administrator under this subsection shall be on such terms and conditions as the Administrator determines to be appropriate and necessary to carry out the purpose of such agreement.

(b) JOB TRAINING PROGRAM.—(1) To assist veterans to obtain training pursuant to the Veterans' Job Training Act (29 U.S.C. 1721 note), the Administrator of Veterans' Affairs may convey to persons described in paragraph (2) of this subsection real property and improvements described in subsection (a)(2) of this section for an amount not less than 75 percent of the fair market value of such real property and improvements.

(2) The Administrator may convey such property to persons who enter into an agreement with the Administrator to—

(A) use veterans in a program of job training under the Veterans' Job Training Act in the rehabilitation of residences on such real property; and

(B) provide a priority to veterans in the sale of such rehabilitated residences.

(3) The Administrator may include appropriate enforcement provisions in any agreement described in paragraph (2), including provision for reasonable liquidated damages.

(4) The Administrator shall reduce the amount of any liability that a veteran has with respect to any property conveyed under this section by an amount equal to the reduction in the sale price of the property below the fair market value of the property.

(c) TERMINATION.—The authority provided in subsections (a) and (b) shall terminate on October 1, 1990.

(d) REPORT.—The Administrator of Veterans' Affairs shall, by March 1, 1990, transmit to the Congress a report of the activities carried out, through December 31, 1989, under this section.

SEC. 10. LOAN ASSUMPTIONS.

(a) IN GENERAL.—(1) Chapter 37 is amended by inserting after section 1817 the following new section:

38 USC 1817A

"§ 1817A. Assumptions; release from liability

"(a)(1) If a veteran or any other person disposes of residential property securing a guaranteed, insured, or direct housing loan obtained by a veteran under this chapter and the veteran or other person notifies the holder of the loan in writing before the property is disposed of, the veteran or other person, as the case may be, shall be relieved of all further liability to the Administrator with respect to the loan (including liability for any loss resulting from any default of the purchaser or any subsequent owner of the property) and the application for assumption shall be approved if the holder determines that—

"(A) the loan is current; and

Contracts

"(B) the purchaser of the property from such veteran or other person—

"(i) is obligated by contract to purchase such property and to assume full liability for the repayment of the balance of the loan remaining unpaid and has assumed by contract all of the obligations of the veteran under the terms of the instruments creating and securing the loan; and

"(ii) qualifies from a credit standpoint, to the same extent as if the purchaser were a veteran eligible under section 1810 of this title, for a guaranteed or insured or direct loan in an amount equal to the unpaid balance of the obligation for which the purchaser is to assume liability.

"(2) For the purposes of paragraph (1), paragraph (3), and paragraph (4)(C)(ii) of this subsection, the Administrator shall be considered to be the holder of the loan if the actual holder is not an approved lender described in section 1802. 101 STAT. 1322

"(3) If the holder of the loan determines that the loan is not current or that the purchaser of the property does not meet the requirements of paragraph (1)(B) of this subsection, the holder shall—

"(A) notify the transferor and the Administrator of such determination; and

"(B) notify the transferor that the transferor may appeal the determination to the Administrator.

"(4)(A) Upon the appeal of the transferor after a determination described in paragraph (3) is made, the Administrator shall, in a timely manner, review and make a determination (or a redetermination in any case in which the Administrator made the determination described in such paragraph) with respect to whether the loan is current and whether the purchaser of the property meets the requirements of paragraph (1)(B) of this subsection. The Administrator shall transmit, in writing, a notice of the nature of such determination to the transferor and the holder and shall inform them of the action that shall or may be taken under subparagraph (B) of this paragraph as a result of the determination of the Administrator.

"(B)(i) If the Administrator determines under subparagraph (A) of this paragraph that the loan is current and that the purchaser meets the requirements of paragraph (1)(B) of this subsection, the holder shall approve the assumption of the loan, and the transferor shall be relieved of all liability to the Administrator with respect to such loan.

"(ii) If the Administrator determines under subparagraph (A) of this paragraph that the purchaser does not meet the requirements of paragraph (1)(B) of this subsection, the Administrator may direct the holder to approve the assumption of the loan if—

"(I) the Administrator determines that the transferor of the property is unable to make payments on the loan and has made reasonable efforts to find a buyer who meets the requirements of paragraph (1)(B) of this subsection and that, as a result, the proposed transfer is in the best interests of the Veterans' Administration and the transferor;

"(II) the transferor has requested, within 15 days after receiving the notice referred to in subparagraph (A) of this paragraph, that the Administrator approve the assumption; and

"(III) the transferor will, upon assumption of the loan by the purchaser, be secondarily liable on the loan.

"(C) If—

"(i) the loan is not approved for assumption under subparagraph (B) of this paragraph or paragraph (1) of this subsection; or

"(ii) no appeal is made by the transferor under subparagraph (A) of this paragraph within 30 days after the holder informs the transferor of its determination under paragraph (3) of this subsection,

the holder may demand immediate, full payment of the principal, and all interest earned thereon of such loan if the transferor disposes of the property. 101 STAT. 1323

"(b) If a person disposes of residential property described in subsection (a)(1) of this section and the person fails to notify the holder of the loan before the property is disposed of, the holder, upon learning of such action by the person, may demand immediate and full payment of the principal, interest, and all other amounts owing under the terms of the loan.

"(c)(1) In any case in which the holder of a loan described in subsection (a)(1) of this section has knowledge of a person's disposing

of residential property securing the loan, the holder shall notify the Administrator of such action.

"(2) If the holder fails to notify the Administrator in such a case, the holder shall be liable to the Administrator for any damage sustained by the Administrator as a result of the holder's failure, as determined at the time the Administrator is required to make payments in accordance with any insurance or guaranty provided by the Administrator with respect to the loan concerned.

"(d) The Administrator shall provide that the mortgage or deed of trust and any other instrument evidencing the loan entered into by a person with respect to a loan guaranteed, insured, or made under this chapter shall contain provisions, in such form as the Administrator shall specify, implementing the requirements of this section, and shall bear in conspicuous position in capital letters on the first page of the document in type at least 2 and ½ times larger than the regular type on such page the following: 'This loan is not assumable without the approval of the Veterans' Administration or its authorized agent.'.

Regulations.

"(e) The Administrator shall establish in regulations a reasonable amount as the maximum amount that a lender may charge for processing an application for a creditworthiness determination and assumption of a loan pursuant to this section. Such regulations shall establish requirements for the timely processing of applications for acceptance of assumptions.

"(f) This section shall apply only to loans for which commitments are made on or after March 1, 1988.".

(2) Section 1817 is amended by adding at the end the following new subsection:

"(c) This section shall apply only to loans for which commitments are made before March 1, 1988.".

(3) The table of sections for chapter 37 is amended by inserting after the item for section 1817 the following new item:

"1817A. Assumptions; release from liability.".

(b) PROTECTION AGAINST TRANSFERS TO PERSONS NOT CREDITWORTHY.—Section 1804 is amended by adding at the end the following new subsection:

"(f) Any housing loan which is financed through the assistance of this chapter and to which section 1817A of this chapter applies shall include a provision that the loan is immediately due and payable upon transfer of the property securing such loan to any transferee unless the acceptability of the assumption of the loan is established pursuant to such section 1817A.".

(c) LOAN FEE.—Section 1829 is amended by adding at the end the following new subsection:

"(d) Except as provided in subsection (b) of this section, a fee shall be collected from a person assuming a loan to which section 1817A of this chapter applies. The amount of the fee shall be equal to one-half of one percent of the balance of such loan on the date of the transfer of the property.".

101 STAT. 1324

SEC. 11. APPRAISALS.

(a) QUALIFICATIONS OF APPRAISERS.—(1) Section 1831(a)(1) is amended—

(A) by striking out "(1)" and inserting in lieu thereof "(1) subject to subsection (b)(2) and"; and

(B) by inserting before the semicolon at the end the following: ", including the successful completion of a written test, submission of a sample appraisal, certification of an appropriate number of years of experience as an appraiser, and submission of recommendations from other appraisers".

(2) Section 1831(b) is amended—

(A) by striking out "(b)" and inserting in lieu thereof "(b)(1)"; and

(B) by adding at the end the following new paragraph:

"(2) If uniform qualifications become applicable for appraisers who perform appraisals for or in connection with the Federal Government, the qualifications required by subsection (a)(1) of this section may be more stringent than such uniform qualifications, but the Administrator may use no written test in determining the qualifications of appraisers other than the test prescribed to implement such uniform qualifications.".

(b) REVIEW OF APPRAISALS.—Section 1831 is amended—

(1) in subsection (c), by striking out "The Administrator shall, upon request," and inserting in lieu thereof "Except as provided in subsection (f) of this section, the appraiser shall forward an appraisal report to the Administrator for review. Upon receipt of such report, the Administrator shall determine the reasonable value of the property, construction, repairs, or alterations for purposes of this chapter, and notify the veteran of such determination. Upon request, the Administrator shall"; Reports.

(2) in subsection (d), by inserting "(other than a lender authorized under subsection (f) of this section to determine reasonable value)" after "lender"; and

(3) by adding at the end the following new subsection:

"(f)(1) Subject to the provisions of paragraphs (2) and (3) of this subsection, the Administrator may, in accordance with standards and procedures established in regulations prescribed by the Administrator, authorize a lender to determine the reasonable value of property for the purposes of this chapter if the lender is authorized to make loans which are automatically guaranteed under section 1802(d) of this title. In such a case, the appraiser selected by the Administrator pursuant to subsection (b) of this section shall submit the appraisal report directly to the lender for review, and the lender shall, as soon as possible thereafter, furnish a copy of the appraisal to the veteran who is applying for the loan concerned and to the Administrator. Reports.

"(2) In exercising the authority provided in paragraph (1) of this subsection, the Administrator shall assign a sufficient number of personnel to carry out an appraisal-review system to monitor, on at least a random-sampling basis, the making of appraisals by appraisers and the effectiveness and the efficiency of the determination of reasonable value of property by lenders.

"(3) The authority provided in this subsection shall terminate on October 1, 1990.". Termination date.

(b) CONFORMING AMENDMENT.—Section 1810(b) is amended— 101 STAT. 1325

(1) in paragraph (5), by striking out "by the Administrator" and inserting in lieu thereof "pursuant to section 1831 of this title"; and

(2) by striking out the final sentence.

SEC. 12. SEQUESTRATION EXEMPTION.

(a) IN GENERAL.—Section 113 is amended—

(1) in subsection (a), by adding at the end the following new clause:

"(6) Benefits under subchapters I, II, and III of chapter 37 of this title, relating to housing loans for certain veterans and for the spouses and surviving spouses of certain veterans.";

(2)(A) by striking out subsection (e); and

(B) by redesignating subsections (f) and (g) as (e) and (f), respectively; and

(3) in subsection (c)(2), by striking out "34, or 36" and inserting in lieu thereof "31, 34, 35, or 36".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 19, 1987. 38 USC 113 note.

SEC. 13. DETERMINATION OF MINIMUM RESIDUAL INCOME.

Paragraph (3) of section 1810(g) is amended by adding at the end the following new sentence: "If the procedures described in clause (C) of this paragraph include standards for evaluating residual income, the Administrator shall, in establishing such standards, give appro-

priate consideration to State statistics (in States as to which the Administrator determines that such statistics are reliable) pertinent to residual income and the cost of living in the State in question rather than in a larger region.".

SEC. 14 MARKETING VETERANS' ADMINISTRATION-ACQUIRED PROPERTIES.

Section 1832 is amended—

(1) by inserting "(a)" before "The"; and

(2) by adding at the end the following new subsection:

"(b) For the purpose of facilitating the most expeditious sale, at the highest possible price, of real property acquired by the Administrator as the result of a default on a loan guaranteed, insured, or made under this chapter, the Administrator shall list all such property with real estate brokers under such arrangements as the Administrator determines to be most appropriate and cost effective.".

Approved December 21, 1987.

LEGISLATIVE HISTORY—H.R. 2672 (S. 1801):

HOUSE REPORT: No. 100-257 (Comm. on Veterans' Affairs).
SENATE REPORT: No. 100-204 accompanying S. 1801 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 133 (1987):
Aug. 3, considered and passed House.
Oct. 30, considered and passed Senate, amended, in lieu of S. 1801.
Nov. 17, House concurred in Senate amendments with amendments.
Dec. 4, Senate concurred in House amendments.

101 STAT. 1552 Public Law 100-227
100th Congress

An Act

To amend title 38, United States Code, to provide a 4.2-percent cost-of-living adjustment in the rates of Veterans' Administration disability compensation for veterans and dependency and indemnity compensation for survivors and an increase in the number of vocational-training evaluations of veteran-pensioners; and to amend the Veterans' Job Training Act to extend the deadline for veterans to apply for participation.

Dec. 31, 1987
[H.R. 2945]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Compensation Cost-of-Living Adjustment Act of 1987.
38 USC 101 note

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1987".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION RATE INCREASES

SEC. 101. DISABILITY COMPENSATION.

(a) IN GENERAL.—Section 314 is amended—

(1) by striking out "$69" in subsection (a) and inserting in lieu thereof "$71";

(2) by striking out "$128" in subsection (b) and inserting in lieu thereof "$133";

(3) by striking out "$194" in subsection (c) and inserting in lieu thereof "$202";

(4) by striking out "$278" in subsection (d) and inserting in lieu thereof "$289";

(5) by striking out "$394" in subsection (e) and inserting in lieu thereof "$410";

(6) by striking out "$496" in subsection (f) and inserting in lieu thereof "$516";

(7) by striking out "$626" in subsection (g) and inserting in lieu thereof "$652";

(8) by striking out "$724" in subsection (h) and inserting in lieu thereof "$754";

(9) by striking out "$815" in subsection (i) and inserting in lieu thereof "$849";

(10) by striking out "$1,355" in subsection (j) and inserting in lieu thereof "$1,411";

(11) by striking out "$1,684" and "$2,360" in subsection (k) and inserting in lieu thereof "$1,754" and "$2,459", respectively;

(12) by striking out "$1,684" in subsection (l) and inserting in lieu thereof "$1,754";

101 STAT. 1553

(13) by striking out "$1,856" in subsection (m) and inserting in lieu thereof "$1,933";

(14) by striking out "$2,111" in subsection (n) and inserting in lieu thereof "$2,199";

(15) by striking out "$2,360" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,459";

(16) by striking out "$1,013" and "$1,509" in subsection (r) and inserting in lieu thereof "$1,055" and "$1,572", respectively; and

(17) by striking out "$1,516" in subsection (s) and inserting in lieu thereof "$1,579".

(b) SPECIAL RULE.—The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

38 USC 314 note

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) by striking out "$82" in clause (A) and inserting in lieu thereof "$85";

(2) by striking out "$138" and "$44" in clause (B) and inserting in lieu thereof "$143" and "$45", respectively;

(3) by striking out "$57" and "$44" in clause (C) and inserting in lieu thereof "$59", and "$45", respectively;

(4) by striking out "$67" in clause (D) and inserting in lieu thereof "$69";

(5) by striking out "$149" in clause (E) and inserting in lieu thereof "$155"; and

(6) by striking out "$126" in clause (F) and inserting in lieu thereof "$131".

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$365" and inserting in lieu thereof "$380".

101 STAT. 1554

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$518	W-4	$743
E-2	534	O-1	656
E-3	548	O-2	677
E-4	583	O-3	725
E-5	598	O-4	766
E-6	611	O-5	845
E-7	641	O-6	952
E-8	677	O-7	1,029
E-9	[1]707	O-8	1,128
W-1	656	O-9	1,210
W-2	682	O-10	[2]1,327
W-3	702		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $763.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,422.".

(2) by striking out "$58" in subsection (b) and inserting in lieu thereof "$60";

(3) by striking out "$149" in subsection (c) and inserting in lieu thereof "$155"; and

(4) by striking out "$73" in subsection (d) and inserting in lieu thereof "$76".

SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

Section 413(a) is amended—

(1) by striking out "$251" in clause (1) and inserting in lieu thereof "$261";

(2) by striking out "$361" in clause (2) and inserting in lieu thereof "$376";

(3) by striking out "$467" in clause (3) and inserting in lieu thereof "$486"; and

(4) by striking out "$467" and "$94" in clause (4) and inserting in lieu thereof "$486" and "$97", respectively.

101 STAT. 1555

SEC. 106. SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

Section 414 is amended—

(1) by striking out "$149" in subsection (a) and inserting in lieu thereof "$155";

(2) by striking out "$251" in subsection (b) and inserting in lieu thereof "$261"; and

(3) by striking out "$128" in subsection (c) and inserting in lieu thereof "$133".

38 USC 314 note

SEC. 107. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this title shall take effect as of December 1, 1987.

TITLE II—VETERANS' EMPLOYMENT TRAINING EXTENSIONS

SEC. 201. EXTENSION OF DEADLINE FOR VETERANS' JOB TRAINING ACT APPLICATIONS.

Section 17(a)(1) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) is amended by striking out "December 31, 1987" and inserting in lieu thereof "June 30, 1988".

SEC. 202. INCREASE IN LIMIT ON VOCATIONAL-TRAINING EVALUATIONS OF VETERANS RECEIVING PENSIONS.

Section 524(a)(3) is amended by striking out "2,500" and inserting in lieu thereof "3,500".

Approved December 31, 1987.

LEGISLATIVE HISTORY—H.R. 2945:

HOUSE REPORTS: No. 100-236 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 133 (1987):
July 28, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):
Dec. 31, Presidential statement.

RECAPITULATION OF MISCELLANEOUS PRIVATE ACTS, 100TH CONGRESS, 1ST SESSION

CLERK'S NOTE.—There were seven (7) private relief acts approved during the 100th Cong., 1st sess.; however, there was no new budget (obligational) authority provided in any of those acts.

II. PERMANENT APPROPRIATIONS—FEDERAL FUNDS

(For permanent trust funds, see table III)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1988. These are funds that do not require current annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are for *indefinite* appropriations unless indicated to be definite. The amounts shown for indefinite appropriations are estimated and are thus subject to revision as better data becomes available during the fiscal year.

LEGISLATIVE

SENATE

Compensation of Members:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of the Vice President and Senators as well as for the payment of agency contributions for life and health insurance and retirement benefits. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of the Vice President and Senators and the related agency contributions were paid from appropriations made annually in the regular Legislative Branch Appropriations Act $9,670,000

HOUSE OF REPRESENTATIVES

Compensation of Members and related administrative expenses:

A permanent appropriation effective beginning with fiscal year 1983 and continuing each year thereafter, for the compensation of Members of Congress and for administrative expenses related thereto as authorized by law and at such level recommended by the President for Federal employees. This permanent appropriation was established by section 130(c) of Public Law 97-51, approved October 1, 1981 (95 Stat. 966) making continuing appropriations for fiscal year 1982. Prior to fiscal year 1983, the salaries of Members of Congress were paid from appropriations made annually in the regular Legislative Branch Appropriations Act 44,135,000

Congressional use of foreign currency:

The International Security Assistance Act of 1978, Public Law 95-384 (92 Stat. 742), effective September 26, 1978, provided that local currencies owned by the United States be made available to Members and employees of Congress while traveling in a foreign country. Whenever local currencies are not available, the Secretary of the Treasury is authorized to purchase such local currencies as may be necessary. In addition, this act authorized the permanent and indefinite appropriation, "Congressional use of foreign currency." Prior to this act, authority was contained in section 502(b) of the Mutual Security Act of 1954 *(2 U.S.C. 1954(b))* 3,360,000

LIBRARY OF CONGRESS

Payments to copyright owners:

Receipts from cable television stations and juke-box licenses are disbursed to the copyright owners through this appropriation after deduction of administrative expenses of the Copyright Royalty Tribunal. Disbursements are made in accordance with the schedule established in Public Law 94-553 124,000,000

Oliver Wendell Holmes Devise Fund:

This fund created by the act entitled "An act to establish a Permanent Committee for the Oliver Wendell Holmes Devise," approved August 5, 1955, is to be used for the preparation of a history of the Supreme Court, finance lectures, and prepare a memorial volume containing the writings of Oliver Wendell Holmes *(69 Stat. 533)* $7,000

Total, Legislative *$181,172,000*

EXECUTIVE

Funds Appropriated to the President

INTERNATIONAL DEVELOPMENT ASSISTANCE

Housing and other credit guaranty programs:

Extends guaranties to assist developing countries in formulating and executing sound housing and community development policies that meet the needs of lower income groups *(98 Stat. 1884, 1903)* 22,000,000

Total, Funds Appropriated to the President *$22,000,000*

Department of Agriculture

COMMODITY CREDIT CORPORATION

Price support and related programs: Reimbursement for net realized losses:

To reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to the Act of August 17, 1961 *(15 U.S.C. 713a-11, 713a-12)* ..... [1] *(15,937,848,000)*

National Wool Act:

The National Wool Act of 1954 (title VII of Public Law 690, approved August 28, 1954) as amended by the Agricultural Act of 1970 and the Food and Agriculture Act of 1977 declares wool to be an essential and strategic commodity, and as a measure of national security encourages the annual domestic production of approximately 300 million pounds of shorn wool. In order to encourage the required annual production of wool and mohair, the Secretary is authorized to make sufficient incentive payments which, when added to the national average price received by producers, will give them a national average return for the commodity equal to the support (incentive) price level thereof. Payments may not at any time exceed 70 percent of the accumulated totals of the gross receipts from specific duties collected on and after January 1, 1953, on wool and wool manufacturers under schedule 11 of the Tariff Act of 1930, as amended (Public Law 690 approved August 28, 1954, *as amended*) ... 131,239,000

FARMERS HOME ADMINISTRATION

Agricultural Credit Insurance Fund:

Authority extended from fiscal year 1986 through 1988 by the farm bill, Public Law 99-198, signed December 23, 1985. This legislation also provided levels of funding for emergency loans. The loan levels reflected here are consistent with those established by the farm bill *(7 U.S.C. 1929(c))* 44,707,000

AGRICULTURAL MARKETING SERVICE

Perishable Agricultural Commodities Act Fund:

License fees are deposited in this special fund and are used to meet costs of administering the Perishable Agricultural Commodities, and the Produce Agency Acts (7 U.S.C. 491-497, 499a-499s). The current annual license fee is set at $180 plus $72 for each additional business facility operated by the applicant in excess of nine facilities, up to a maximum of $1,200 4,240,000

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[1] Excluded from totals for this table. Included in H.R. 3520, Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988, as "current, indefinite" appropriations.

Funds for strengthening markets, income, and supply:

Under section 32 of the act of August 24, 1935, as amended (7 U.S.C. 612c), 30 percent of customs receipts collected during each calendar year are automatically appropriated for expanding outlets for nonbasic commodities. An amount equal to 30 percent of receipts collected on fishery products is transferred to the Department of Commerce to encourage the distribution of such products. Most of the funds are transferred to the Food and Nutrition Service and are dedicated to commodity distribution activities under section 6 of the national school lunch and other authorities specified in the child nutrition appropriations $361,988,000

FOOD AND NUTRITION SERVICE

Child nutrition programs:

Authorized by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended. Primary objective of programs is to make the best possible nutrition available to every child and the elderly, regardless of economics of the child's family or the local district, *(42 U.S.C. 1751-1761, and 1766; 1773-1785, and 1787)* 3,368,612,000

FOREST SERVICE

Operation and maintenance of quarters:

Quarterly rental deductions are collected from employees occupying Forest Service facilities. Amounts are deposited into a special fund and are available for the maintenance and operation of employee occupied quarters 5,500,000

Brush disposal:

Amounts received from purchasers of national forest timber to cover the estimated cost to the United States of disposing of the brush and other debris resulting from cutting operations are covered into the Treasury as a special fund, for expenses of this work. Amounts paid in excess of the cost are refunded to the purchaser or transferred to miscellaneous receipts *(16 U.S.C. 490)* 54,438,000

Licensee programs:

Fees for the use of the character "Smokey Bear" and "Woodsey Owl" by private enterprises are collected under regulations promulgated by the Secretary, and are available for furthering the nationwide forest-fire prevention and environmental quality programs *(18 U.S.C. 711; 31 U.S.C. 488b-3-6)* 100,000

Restoration of forest lands and improvements:

Funds received from settlement of claims involving damage to lands or improvements and from forfeiture of deposits and bonds by permittees and timber purchasers are used for the restoration made necessary by the action which led to the settlement or forfeiture *(16 U.S.C. 579c)* 100,000

Timber purchaser roads constructed by Forest Service:

Expenditure of timber receipts for Government constructed permanent roads for purchasers of timber who qualify as small businesses and elect to have the Forest Service construct the roads designated under the timber sale contract where costs exceed $20,000 *(section 14(d)(2), Public Law 94-588)* 21,037,000

Timber salvage sales:

Appropriations of funds to begin salvage of insect infested, dead, damaged, or down timber, and to remove associated trees for stand improvement in accordance with Public Law 95-26 *(16 U.S.C. 472a(h))* 18,635,000

Tongass Timber Supply Fund:

To maintain the timber supply from the Tongass National Forest at a specified level. Public Law 96-487 *(16 U.S.C. 539d)* 45,379,000

Payment to Minnesota (Cook, Lake, and St. Louis Counties) from the National Forest Fund:

Under the act of June 22, 1948, the Secretary of the Treasury, upon certification of the Secretary of Agriculture, pays to the State of Minnesota at the close of each fiscal year an amount equivalent to three-fourths of 1 percent of the apraised value of certain Superior National Forest lands in the counties of Cook, Lake, and St. Louis for distribution to these counties *(16 U.S.C. 577g)* 716,000

Payments to counties, national grasslands:

This account consists of amounts appropriated, from revenues received during each calendar year from the use of submarginal lands held by the Secretary of Agriculture under title III of the act of July 22, 1937, for such lands are situated, on the condition that they are used for school or road purposes, or both, and for refund of excess amounts received for the use of such lands Moneys so appropriated remain available for these purposes until expended *(7 U.S.C. 1012)* $10,366,000

Payments to States from the National Forest Fund:

The act of June 9, 1930, appropriates 25 percent of the net revenue during any fiscal year from each national forest, to be paid at the end of such year, to the State in which the forest is situated, for the benefit of the public schools and public roads of such county or counties *(16 U.S.C. 500)* 285,063,000

Total, Department of Agriculture *$4,352,120,000*

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Promote and develop fishery products and research pertaining to American fisheries:

To offset the cost of marine fishery resource programs in the Operations, Research, and Facilities account 57,400,000

Total, Department of Commerce *$57,400,000*

DEPARTMENT OF DEFENSE—MILITARY

MILITARY CONSTRUCTION

Military construction, Army:

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander-in-Chief *(10 U.S.C. 2675, 2802-05, 2807, 2828, 2851-54, 2857; Military Construction Appropriations Act, 1987, as included in Public Law 99-591, section 101(k); additional authorizing legislation to be proposed)* 221,000,000

FAMILY HOUSING

Homeowners Assistance Fund:

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, *as amended)* 3,000,000

Total, Department of Defense—Military *$224,000,000*

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

CORPS OF ENGINEERS—CIVIL

Hydraulic mining in California, Debris Fund:

Fees paid by mine operators in the Sacramento and San Joaquin Basins for depositing mine debris in restraining works are used for their maintenance *(33 U.S.C. 683)* 48,000

Maintenance and operation of dams and other improvements of navigable waters:

Indefinite appropriation of 50 percent of receipts from certain licenses under the Federal Power Act to be received and appropriated as a special fund in the Treasury for expenditure under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or for other improvements of navigable waters *(31 U.S.C. 725c)* 2,952,000

Payments to States:

Seventy-five percent of moneys received on account of leases of lands acquired in connection with flood-control projects is appropriated at the end of each fiscal year for payment to the State in which the property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the property is situated *(33 U.S.C. 701c-3)* 6,000,000

MILITARY RETIREMENT

Payment to Military Retirement Fund:
The 1987 payment to the Military Retirement Fund includes funds for the amortization of the unfunded liability for all retirement benefits earned by military personnel for service prior to 1985. The amortization schedule for the unfunded liability will be determined by a Board of Actuaries $11,200,000,000

FOREST AND WILDLIFE CONSERVATION, MILITARY RESERVATIONS

Forest Products Program reserve account:
These appropriations provide for emergencies or unplanned expenses in managing and improving forests on DOD lands 1,500,000

Wildlife conservation, Army:
Proceeds from the sale of fish and game permits on Army installations are used to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation, and rehabilitation on military reservations 1,340,000

Wildlife conservation, Navy:
Proceeds from the sale of fish and game permits on naval installations are used to carry out a program of fish and wildlife conservation, management, and rehabilitation in cooperation with appropriate State agencies and the Fish and Wildlife Service, Department of the Interior *(74 Stat. 1052)* 230,000

Wildlife conservation, Air Force:
Proceeds from the sale of game permits are used to carry out a program of fish and game conservation and rehabilitation in connection with the Fish and Wildlife Service *(63 Stat. 759)* 450,000

Total, Department of Defense—Civil functions *$11,212,520,000*

DEPARTMENT OF EDUCATION

OFFICE OF VOCATIONAL AND ADULT EDUCATION

Vocational and adult education:
This program provides funds for expansion and improvement of vocational education programs and for providing for greater access to underserved populations 7,148,000

Total, Department of Education *$7,148,000*

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Payments to States under Federal Power Act:
The States are paid 37.5 percent of the receipts from licenses for occupancy and use of national forests and public lands within their boundaries issued by the Federal Energy Regulatory Commission *(16 U.S.C. 810)* 727,000

POWER MARKETING ADMINISTRATION

Bonneville Power Administration Fund:
The Bonneville Power Administration constructs, operates, and maintains transmission and related facilities and markets electric power produced at 30 Federal hydroelectric generating plants and obtained by purchase and exchange from two thermal plants 205,800,000

Construction, rehabilitation, operation and maintenance, Western Area Power Administration:
For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized 7,003,000

Total, Department of Energy *$213,530,000*

GENERAL SERVICES ADMINISTRATION

PERSONAL PROPERTY ACTIVITIES

Expenses of transportation audit contracts and contract administration:
Public Law 99-88 provides that these activities shall be financed from overcharges collected from carriers on transportation bills paid by the Government and other similar type refunds 13,040,000

FEDERAL PROPERTY RESOURCES ACTIVITIES

Expenses, disposal of surplus real and related personal property:
Fees and costs of advertising and surveying are paid out of the receipts from the disposal of surplus real and related property, subject to a limitation of 12 percent of the proceeds of all dispositions with each fiscal year *(40 U.S.C. 485(b))* $3,668,000

Total, General Services Administration *$16,708,000*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

Indian Health Service:
Provides medical care, public health services, and health profession scholarship for American Indians and Alaska Natives 3,000,000

HEALTH CARE FINANCING ADMINISTRATION

Grants to States for Medicaid:
Medicaid assists States in providing medical care to their low-income population by granting Federal matching payments under title XIX of the Social Security Act to States with approved plans 7,100,000,000

Payments to health care trust funds:
Payments are made (1) to the Supplementary Medical Insurance Trust Fund; (2) to the Federal Hospital Insurance Trust Fund as reimbursement for benefits based on noncontributory military service credits of veterans of World War II and certain veterans of the post-World War II period; (3) for individuals aged 65 and over who meet certain transitional insured status requirements; and (4) for civil service employees and annuitants who had worked before 1983 and who were employed during January 1983 485,000,000

SOCIAL SECURITY ADMINISTRATION

Payments to Social Security trust funds:
This Federal fund appropriation finances certain benefits and related administrative costs not financed by Social Security taxes 5,391,585,000

Special benefits for disabled coal miners:
Title IV of the Federal Mine Safety and Health Act authorizes monthly benefits to coal miners disabled from pneumoconiosis, and to surviving widows and dependents. After 1973, jurisdiction for new claims shifted to the Department of Labor 252,450,000

Supplemental security income program:
Title XVI of the Social Security Act established the Federal Supplemental Security Income (SSI) program for the aged, blind, and disabled. In 1987, the supplemental security income program provided a minimum income of $340 per month for an eligible individual and $510 per month for an eligible couple 2,765,000,000

FAMILY SUPPORT ADMINISTRATION

Family support payments to States:
This appropriation makes grants to States for the Federal share of State expenditures for aid to families with dependent children (AFDC), child support enforcement, and related activities 2,480,615,000

Interim assistance to States for legalization:
Transitional grants are given to States for providing financial, medical and educational assistance to newly legalized aliens. Federal administrative expenses are included in this appropriation 930,000,000

Payments to States from receipts for child support:
This fund makes payments to States for their share of amounts collected on their behalf by the Internal Revenue Service under the provisions of the child support enforcement program, title IV-D of the Social Security Act 450,000

Total, Department of Health and Human Services *$19,408,100,000*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Manufactured home inspection and monitoring:
A program to establish and enforce appropriate construction standards for the construction, design, and performance of manufactured homes to assure their quality, durability, and safety 5,760,000

Interstate land sales:

The Interstate Land Sales Full Disclosure Act provides protection to the public with respect to purchases or leases of subdivision lots. Statements of record must be filed with the Secretary before subdivisions with 100 or more lots may be sold in interstate commerce, except when the subdivision is eligible for exemption $1,400,000

Federal Housing Administration Fund:

The Federal Housing Administration Fund, created by the National Housing Act of 1934, is a noncorporate business-type agency, which was brought under the Government Corporation Control Act by the Housing Act of 1948. FHA program objectives are achieved through the insurance of loans for financing the production, purchase, repair, and improvement of residential properties and these programs are under four separate insurance funds established by statute. Income from fees, premiums, and investments are credited to the funds and operating expenses including expenses and losses connected with foreclosed property and defaulted notes and mortgages are charged to the funds *(12 U.S.C. 1701)* 380,700,000

PUBLIC AND INDIAN HOUSING PROGRAMS

Low-rent public housing—loans and other expenses:

The Low-Rent Public Housing Loan Fund provides direct Federal loans to support Public Housing Agency (PHA) and Indian Housing Authority (IHA) construction, acquisition, and modernization activities. These loans are made from available resources of this fund 1,552,200,000

Total, Department of Housing and Urban Development $1,940,060,000

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Special acquisition of lands and minerals:

For the purchase of non-Federal coal deposits and other mineral interests and rights pursuant to Public Law 97-476 1,300,000

Operation and maintenance of quarters:

Provides for the maintenance of quarters used by Bureau employees in areas where other housing alternatives are unavailable. Expenses are offset by collections in the form of rental payments. Established in 1986 under provisions of the 1985 Interior Appropriations Act 250,000

Payments to Oklahoma (royalties):

Payment of 37½ percent of Red River oil and gas royalties in lieu of State and local taxes on tribal land 6,000

Payments to Coos and Douglas Counties, OR, from receipts, Coos Bay Wagon Road grant lands:

Out of receipts from the Coos Bay Wagon Road grant lands in Oregon, payments in lieu of taxes are made to Coos and Douglas Counties for schools, roads, highways, bridges, and port districts *(53 Stat. 753-754)* 580,000

Payments to counties, Oregon and California grant lands:

Fifty percent of the receipts of Oregon and California land-grant funds are paid to the counties in which the lands are situated, to be used as other county funds *(39 Stat. 218; 50 Stat. 876)* 42,900,000

Payments to States from sales of lands:

Payments to the several States of 5 percent of the net proceeds of sales of public lands and materials lying within their limits, for the purpose of education or of making public roads and improvements *(31 U.S.C. 711)* 880,000

Payments to States from grazing receipts, et cetera, public lands outside grazing districts:

Payments are made to the States of 50 percent of the money received as grazing fees from outside grazing district *(43 U.S.C. 315i, 315m)* 1,024,000

Payments to States from grazing receipts, et cetera, public lands within grazing districts:

Payments are made to the States of 12½ percent of moneys received as grazing fees from within grazing districts *(43 U.S.C. 315b; 315i)* 1,550,000

Payments to States from grazing receipts, et cetera, public lands within grazing districts, miscellaneous:

The States are paid specifically determined amounts from grazing fee receipts from miscellaneous lands within grazing districts when payment is not feasible on a percentage basis *(43 U.S.C. 315)* 8,000

Payments to Alaska National Petroleum Reserve:
Alaska is paid 50 percent of the receipts derived from bonuses, royalties, and rentals resulting from the leasing of oil and gas in the National Petroleum Reserve in Alaska *(94 Stat. 2964)* $2,000,000

Payments to counties, national grasslands:
Of the revenues received from the use of submarginal lands, 25 percent is paid to the counties in which such land is situated for school and road purposes. These lands were formerly administered by the Department of Agriculture but were transferred to the Bureau of Land Management for administration in connection with the Grazing Program *(7 U.S.C. 1012)* 500,000

Expenses, road maintenance deposits:
Public Law 94-579 approved October 21, 1976, permanently appropriated certain moneys to the Secretary of the Interior. Users of roads under jurisdiction of the Bureau of Land Management may make deposits for maintenance purposes, and moneys collected are available for necessary road maintenance. Moneys collected on Oregon and California grant lands are available for those lands only *(43 U.S.C. 1701 et seq.)* 5,600,000

Payments to Nevada from receipts on land sales:
Public Law 96-586 authorizes and directs the Secretary to sell not more than 700 acres of public lands per calendar year in and around Las Vegas, NV; proceeds of which are to be used to acquire environmentally sensitive lands in the Lake Tahoe Basin of California and Nevada. Annual revenues are distributed to the State of Nevada (5 percent) and the county in which the land is located (10 percent) 600,000

MINERALS MANAGEMENT SERVICE

Payments to States from receipts under Mineral Leasing Act:
Alaska is paid 90 percent and other States 50 percent of the receipts from bonuses, royalties, and rentals resulting from development of mineral resources under the Mineral Leasing Act (30 U.S.C. 191), and from leases of potash deposits (30 U.S.C. 285), on both public domain and acquired lands 389,870,000

BUREAU OF RECLAMATION

Colorado River Dam Fund, Boulder Canyon project:
Revenue from Boulder Canyon project operations is placed in this fund. Due to a recent change in law (Public Law 98-381), the fund is available without further appropriation for payment of expenses of operation and maintenance of the project, for payment of interest on amounts advanced from the Treasury, and for annual payments of not more than $300 thousand each to Arizona and Nevada and for repayment of advances from the Treasury for construction or other purposes *(43 U.S.C. 617a)* 55,814,000

Operation, maintenance, and replacement of project works, North Platte project (Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts):
This fund is derived from the revenues arising from leasing or project grazing and farm lands, sale or rental of surplus water, and other miscellaneous revenues which otherwise would accrue to the Gering and Fort Laramie, Goshen, and Pathfinder irrigation districts under subsections I to J of section 4 of the act of December 5, 1924 *(43 Stat. 703)*, and such revenues may be expended, as set forth in contracts with the above districts, for the replacement of the project works operated and maintained by the United States and to supplement funds advanced by the water users to meet annual costs of operation and maintenance of such works *(66 Stat. 755, sec. 4)* 7,000

Payments to farmers' irrigation district (North Platte project, Nebraska-Wyoming):
Payments are made to the farmer's irrigation district on behalf of the Northport irrigation district for water carriage *(62 Stat. 273, as amended)* 8,000

Payments to local units, Klamath Reclamation Area:
Certain revenues collected from the leasing of Klamath project reserved Federal lands within the boundaries of certain national wildlife refuges will be used for various purposes *(78 Stat. 850)* 250,000

Operation and maintenance of quarters, Fort Simcoe Job Corps Center:
Receipts from the rental of quarters are used for the operation and maintenance of those quarters *(Public Law 98-473)* 22,000

U.S. FISH AND WILDLIFE SERVICE

Migratory bird conservation account:
Receipts in excess of Postal Service expenses from the sale of migratory bird hunting and conservation stamps, 70 percent of entrance fee collections on national wildlife refuges, and import duties on arms and ammunition are available for costs of locating and acquiring migratory bird refuges and waterfowl production areas $37,581,000

National Wildlife Refuge Fund:
The Refuge Revenue Sharing Act authorizes the expenditure of revenues from the sale of products from the National Wildlife Refuge System. Part of the net proceeds from sales of refuge products, either 25 percent or 0.75 percent of the value of lands acquired in fee in each case of each refuge, is paid to counties in which refuges are located for benefit of public schools and roads. The remainder of the revenue is available for management of the refuge system and for enforcement of the Migratory Bird Treaty Act *(16 U.S.C. 715s)* 7,040,000

Operation and maintenance of quarters:
Revenues from rental of government quarters are deposited in this account for use in the operation and maintenance of such quarters for the National Park Service, Fish and Wildlife Service, and the Bureau of Indian Affairs *(Public Law 98-473, section 320)* 1,662,000

Federal aid in wildlife restoration:
States, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands are allocated funds equal to the 11 percent excise tax on sporting arms and ammunition, the 10 percent excise tax on handguns, and the 11 percent tax on certain archery equipment. States are reimbursed up to 75 percent of the cost of approved wildlife and hunter education projects 114,000,000

Proceeds from sales, water resources development projects:
Receipts collected from the sale of products from refuges on which other agencies have primary jurisdiction pay the costs of producing these products and for managing wildlife habitat 200,000

NATIONAL PARK SERVICE

Land acquisition:
Provides funds to acquire certain lands, or interests in land, for inclusion in the National Park System in order to preserve nationally important natural and historic resources *(16 U.S.C. 4601-10a)* 30,000,000

Operation and maintenance of quarters:
Revenues from the rental of Government-owned quarters to park employees are deposited in this account and used to operate and maintain the quarters 8,722,000

Educational expenses, children of employees, Yellowstone National Park:
Revenues received from visitors to the park are used to provide educational facilities to pupils who are dependents of persons engaged in the operation of Yellowstone National Park *(16 U.S.C. 40a)* 555,000

Payment for tax losses on land acquired for Grand Teton National Park:
Park fees are used to compensate the State of Wyoming for tax losses on lands acquired for Grand Teton National Park *(16 U.S.C. 406d-3)* 30,000

Operation, management, maintenance, and demolition of federally acquired properties, Independence National Historic Park:
Moneys collected from rental operations of the Irwin Building were used for the operation, management, and maintenance of this building and its subsequent demolition, as authorized in the act approved October 26, 1951 *(65 Stat. 664)* 10,000

Delaware Water Gap, Route 209 operations:
Fees collected for use of Route 209 within the Delaware Water Gap National Recreation Area by commercial vehicles are used for management, operation, and maintenance of the route within the park *(97 Stat. 329)* 450,000

BUREAU OF INDIAN AFFAIRS

Operation and maintenance of quarters:
Public Law 88-459 is the basic authority under which the Secretary utilizes quarters rentals funds to defer the costs incidental to the employee quarters program. Public Law 98-473 established a special fund, to remain available until expended, for the operation and maintenance of quarters 9,000,000

Claims and treaty obligations:
For fulfilling treaties with the Senecas and Six Nations of New York, Pawnees of Oklahoma, and payments to the Indians of the Sioux reservations *(4 Stat. 442; 7 Stat. 46, 98, 210, 234; 11 Stat. 614, 729; 72 Stat. 644)* 2,000,000

Operation and maintenance, Indian irrigation systems:

All revenues derived from charges for operation and maintenance of Indian irrigation projects are available for expenditure for operation and maintenance of the projects in accordance with the act of August 7, 1946, Public Law 647 *(60 Stat. 895)* $19,000,000

Power systems, Indian irrigation projects:

Sums not in excess of the amount of power revenues covered into the Treasury to the credit of each of the power projects shall be available for the purposes authorized by section 3 of the act of August 7, 1946 (Public Law 647) as amended *(60 Stat. 895; 65 Stat. 254)* 30,000,000

TERRITORIAL AND INTERNATIONAL AFFAIRS

Compact of Free Association:

The Compact of Free Association Act of 1985 constituted the necessary authorizing legislation to make annual payments to the Marshall Islands and the Federated States of Micronesia during the next 15 years totaling $2.3 billion. This assistance will aid in their successful development as sovereign States 116,350,000

Payments to the United States territories, fiscal assistance:

Excise taxes collected by the Internal Revenue Service are made available to the territories of Guam and the Virgin Islands under sections 1(c) and 4(c)(2) of Public Law 95-348, 92 Stat. 487 70,000,000

OFFICE OF THE SECRETARY

Operation and maintenance of quarters:

Provides for the utilization of receipts from the rental of quarters for the operation and maintenance of those quarters as authorized by section 320 of Public Law 98-473 52,000

Total, Department of the Interior *$949,821,000*

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

Immigration legalization:

The Immigration Reform and Control Act of 1986, title II, section 201(a), amends section 245(c) of the Immigration and Nationality Act by permitting the Attorney General to provide for a schedule of fees to be charged for filing legalization applications and further allows for the depositing payments received in a separate account with the accounts to be available without fiscal year limitation to cover administrative and other expenses incurred in connection with the review of legalization applications 180,692,000

Immigration user fee:

The Immigration user fee account established by Public Laws 99-500 and 99-591 provides for the reimbursement to the Immigration and Naturalization Service's appropriation the amount paid for certain expenses incurred in (a) providing immigration inspection and pre-inspection services for commercial aircraft and vessels, (b) providing overtime immigration inspection services for commercial aircraft and vessels, (c) administration of debt recovery, (d) expansion and operation of information systems for non-immigrant control and debt collection, (e) detection of fraudulent documents, and (f) providing detention and deportation services for excludable aliens arriving on commercial aircraft or vessels 74,000,000

OFFICE OF JUSTICE PROGRAMS

Crime Victims Fund:

This fund will be credited with criminal fines that are collected from persons convicted of offenses against the United States. Annual grants will be made to eligible crime victims compensation and assistance programs *(Public Law 98-473)* 70,000,000

Total, Department of Justice *$324,692,000*

OFFICE OF PERSONNEL MANAGEMENT

Payment to Civil Service Retirement and Disability Fund:
Section 103 of the Civil Service Retirement Amendments of 1969, approved October 20, 1969, established the basis for requiring Federal contributions to the Civil Service Retirement and Disability Fund $11,233,021,000

Total, Office of Personnel Management *$11,233,021,000*

RAILROAD RETIREMENT BOARD

Federal payments to the railroad retirement accounts:
This account funds temporary direct Federal subsidies to the Railroad Pension Fund, and other payments to the Railroad Social Security Equivalent Fund 2,463,000,000

Total, Railroad Retirement Board *$2,463,000,000*

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Payment to the Foreign Service Retirement and Disability Fund:
The Foreign Service Retirement Amendments of 1976 *(title V, Public Law 94-350)* authorized additional Federal contributions to the Foreign Service Retirement and Disability Fund 149,400,000

OTHER

International Center, Washington, DC:
Property owned by the United States in the northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street will be sold or leased to foreign governments for use as embassies. Proceeds will finance the costs of site preparation *(82 Stat. 958)* 945,000

Total, Department of State *$150,345,000*

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

Regional rail reorganization program:
The United States Railway Association was authorized by the Regional Rail Reorganization Act, as amended, to borrow funds and make loans to certain railroads 2,774,000

Railroad Rehabilitation and Improvement Financing Fund, FFB direct loans:
Provides direct loans that are disbursed by the Federal Financing Bank to private freight railroad companies that are guaranteed by the Federal Railroad Administration *(12 U.S.C. 2281-96)* 1,000,000

COAST GUARD

Pollution Fund:
This fund was established under section 11(k) of the Federal Water Pollution Control Act, as amended by Public Law 92-500 to insure immediate cleanup of oil or other hazardous polluting substances spilled into the navigable water of the United States, adjoining shorelines or waters of the contiguous zone 5,300,000

MARITIME ADMINISTRATION

Ocean freight differntial:
The Merchant Marine Act, as amended, requires the Maritime Administration to reimburse the Department of Agriculture for ocean freight differential costs associated with shipping agricultural commodities on U.S.-flag vessels rather than on foreign flag carriers 48,513,000

Federal ship financing fund:
The Merchant Marine Act, as amended, is a fund to assist in the development of the U.S. Merchant Marine by guaranteeing construction loans and mortgages on U.S.-flag vessels built in the United States 3,250,000

Total, Department of Transportation *$60,837,000*

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Presidential Election Campaign Fund:

Public Law 93-443 imposes overall limitations on campaign expenditures and contributions and provides for the designation of a principal campaign committee by each candidate for Federal office. The act further provides for public financing of Presidential nominating conventions and Presidential primary elections $37,000,000

FINANCIAL MANAGEMENT SERVICE

Claims, judgments, and relief acts:

Appropriations are made to pay claims and interest for damages not chargeable to appropriations of individual agencies and for the payment of public and private relief acts. Appropriations are made individually for judgments over $100,000, but 31 United States Code 724a authorizes a permanent indefinite appropriation to pay judgments under $100,000 from the general funds of the Treasury 339,020,000

Interest on uninvested funds:

This fund was established to record interest payable from the general fund of the Treasury pursuant to various permanent appropriations in connection with certain trust funds. Under the terms and conditions provided by law creating the trust in each case, interest accruing and payable from the general fund of the Treasury will be appropriated and recorded in this account for transfer to the proper trust fund receipt account *(31 U.S.C. 725s; 2 U.S.C. 158; 20 U.S.C. 54-55, 74a and 101; 24 U.S.C. 46; various treaties; and 69 Stat. 533)* ... 20,950,000

The following schedule details the interest obligations under this account:

Bequest of Gertrude M. Hubbard, Library of Congress	*$1,000*
Library of Congress trust fund	*639,000*
National Gallery of Art trust fund	*550,000*
Education of the blind	*10,000*
Soldiers' Home permanent fund	*17,882,000*
Indian tribal funds	*111,000*
Immigration bonds deposit fund	*1,750,000*
Oliver Wendell Holmes devise fund	*7,000*
Total, obligations	*20,950,000*

U.S. CUSTOMS SERVICE

Salaries and expenses:

This fund is derived from fees collected from persons entering the United States, to be used for overtime payment to Customs personnel 72,950,000

Miscellaneous permanent appropriations:

Customs duties, taxes, and fees collected in Puerto Rico and the Virgin Islands are deposited to this account. After expenses have been provided for, available balances are transferred to the treasurer of Puerto Rico, and the treasury of the municipalities of the Virgin Islands, respectively *(48 U.S.C. 740, 795, 1396, 1406(h))* 111,343,000

U.S. MINT

Coinage Profit Fund:

A portion of the gains resulting from manufacturing coins is available to cover wastage and recoinage losses incurred in coinage, and the cost of distributing coins. Public Law 99-61 authorizes the use of this fund for all activities concerning the Statue of Liberty-Ellis Island Commemorative Coin Act *(31 U.S.C. 5111, 5112, and 5120)* 4,310,000

INTERNAL REVENUE SERVICE

Payment where credit exceeds liability for tax:

Indefinite appropriation for payment to tax filers in instances wherein the earned income credit exceeds the amount of tax liability owed. The Tax Reduction Act of 1975 (Public Law 94-12) originally authorized this credit which was made permanent by the Revenue Adjustment Act of 1978 (Public Law 95-600) 2,910,000,000

Refunding internal revenue collections (interest):

The act of June 19, 1948, appropriated such sums as may be necessary for payment of interest on internal revenue collections *(26 U.S.C. 6611)* 1,621,000,000

Internal revenue collections for Puerto Rico:

Taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States or consumed on the island shall be covered into the treasury of Puerto Rico *(26 U.S.C. 7652)*..... $205,000,000

U.S. SECRET SERVICE

Contribution for annuity benefits:

Reimbursement to the District of Columbia on a monthly basis for benefit payments made from revenues of the District of Columbia to members of the Executive Protection Service and such members of the U.S. Secret Service as are entitled thereto *(72 Stat. 883)*..... 12,000,000

INTEREST ON THE PUBLIC DEBT

Interest on the public debt:

Indefinite appropriation for payment of interest on public debt *(31 U.S.C. 1305 and 3123)*..... 161,307,549,000

Interest on the public debt paid to trust funds:

Interest earned by the on-budget trust funds is deducted so that the functional total for net interest includes only the Government's net transactions with the public, not payments between Government accounts..... 30,261,500,000

Total, Department of the Treasury..... *$196,902,622,000*

INDEPENDENT AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

Public Broadcasting Fund:

The Corporation for Public Broadcasting assists in the development and improvement of public telecommunications services and noncommercial television and radio broadcasting through direct support of national interconnection services, payments to radio and television stations for general operational support, and grants to radio and television stations and other entities throughout the country for the production and acquisition of programs for national, regional, and local use. In addition, the Corporation for Public Broadcasting undertakes research and analysis activities, conducts training, and provides technical assistance to improve systemwide capacity and performance, as authorized by the Public Telecommunications Financing Act of 1978.. 214,000,000

DISTRICT OF COLUMBIA

Federal payment to the District of Columbia:

Provided by Public Law 99-500 and Public Law 99-591 for the design and construction of a prison within the District of Columbia..... 20,000,000

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Insurance Development Fund:

The National Insurance Development Fund provides the funding source for two programs authorized by the Urban Property Protection and Reinsurance Act of 1968, as amended: (1) the FAIR (fair access to insurance requirements) plan/Riot Reinsurance Program; and (2) the Federal Crime Insurance Program..... 15,457,000

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

James Madison Memorial Fellowship Foundation:

The James Madison Memorial Fellowship Foundation was established by Public Law 99-500 and Public Law 99-591 to operate a fellowship program to encourage graduate study of the American Constitution..... 13,200,000

PANAMA CANAL COMMISSION

Operations and facilities:

The Panama Canal Act of 1979 established the Panama Canal Commission to operate and maintain the interoceanic waterway. The Commission is self-sufficient in its operations and makes payments to the Republic of Panama as specified in the Panama Canal Treaty of 1977 *(Public Law 99-195)*..... 13,500,000

POSTAL SERVICE

Postal Service Fund:

Section 2005 of title 39, United States Code, authorizes the Postal Service to borrow by issuing obligations which may not exceed $10 billion outstanding at any one time. The Postal Service anticipates using $1.6 billion in borrowing authority in fiscal year 1986 because expenses are expected to exceed revenues $2,900,355,000

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund (energy supply):

The Tennessee Valley Authority is the sole supplier of electric power to an area of 80,000 square miles in seven Tennessee Valley States, as provided in the Tennessee Valley Authority Act of 1933, as amended *(16 U.S.C., ch. 12A)* 212,700,000

Total, Independent agencies *$3,388,302,000*

Grand total, Federal funds *253,107,398,000*

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1988 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1987	1988
Legislative:		
Senate	$8,976,000	$9,670,000
House of Representatives	44,360,000	47,495,000
Library of Congress	88,006,000	124,007,000
Total	141,342,000	181,172,000
Executive:		
Funds Appropriated to the President: International development assistance	10,000,000	22,000,000
Department of Agriculture:		
Agriculture Research Service	2,800,000	
Commodity Credit Corporation	122,689,000	[1] 131,239,000
Rural Electrification Administration	97,408,000	
Farmers Home Administration	3,783,526,000	44,707,000
Agricultural Marketing Service	438,299,000	366,228,000
Food and Nutrition Service	3,295,937,000	3,368,612,000
Forest Service	414,563,000	441,334,000
Total	8,155,222,000	4,352,120,000
Department of Commerce: National Oceanic and Atmospheric Administration	57,426,000	57,400,000
Department of Defense—Military:		
Military construction, Army		221,000,000
Family housing	3,600,000	3,000,000
Total	3,600,000	3,000,000
Department of Defense—Civil:		
Corps of Engineers, Civil	10,885,000	9,000,000
Military retirement	10,524,000,000	11,200,000,000
Forest and wildlife conservation, military reservations	2,380,000	3,520,000
Total	10,537,265,000	11,212,520,000
Department of Education: Vocational and Adult Education	7,148,000	7,148,000
Department of Energy:		
Energy programs	705,000	727,000
Power Marketing Administration	331,347,000	212,803,000
Total	332,052,000	213,530,000
General Services Administration:		
Personal property activities	10,500,000	13,040,000
Federal property resources activities	3,668,000	3,668,000
Total	14,168,000	16,708,000
Department of Health and Human Services:		
Health Resources and Services Administration	3,000,000	3,000,000
Health Care Financing Administration	6,939,000,000	7,585,000,000
Social Security Administration	7,711,542,000	8,409,035,000
Family Support Administration	2,364,954,000	3,411,065,000
Total	17,018,496,000	19,408,100,000

[1] Excludes $15,937,848,000, which was considered in H.R. 3520, Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988, as "current, indefinite" appropriations.

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1988 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1987	1988
Executive—Continued		
Department of Housing and Urban Development:		
Housing programs	$64,010,000	$387,860,000
Public and Indian housing programs	1,828,900,000	1,552,200,000
Total	1,892,910,000	1,940,060,000
Department of the Interior:		
Bureau of Land Management	82,972,000	57,198,000
Minerals Management Service	434,725,000	389,870,000
Bureau of Reclamation	50,880,000	56,101,000
U.S. Fish and Wildlife Service	145,028,000	160,483,000
National Park Service	39,584,000	39,767,000
Bureau of Indian Affairs	60,000,000	60,000,000
Territorial and International Affairs	139,132,000	186,350,000
Office of the Secretary	52,000	52,000
Total	952,373,000	949,821,000
Department of Justice:		
Immigration and Naturalization Service		254,692,000
Office of Justice Programs	62,506,000	70,000,000
Total	62,506,000	324,692,000
Office of Personnel Management	11,318,737,000	11,233,021,000
Railroad Retirement Board	2,559,000,000	2,463,000,000
Small Business Administration	43,000,000	
Department of State:		
Administration of Foreign Affairs	169,100,000	149,400,000
Other	945,000	945,000
Total	170,045,000	150,345,000
Department of Transportation:		
Federal Railroad Administration	6,539,000	3,774,000
Coast Guard	5,300,000	5,300,000
Maritime Administration	576,360,000	51,763,000
Total	588,199,000	60,837,000
Department of the Treasury:		
Departmental Offices	37,000,000	37,000,000
Financial Management Service	369,275,000	359,970,000
U.S. Customs Service	179,400,000	184,293,000
U.S. Mint	61,074,000	4,310,000
Internal Revenue Service	3,364,000,000	4,736,000,000
U.S. Secret Service	12,000,000	12,000,000
Interest on the public debt	186,665,418,000	191,569,049,000
Total	190,688,167,000	196,902,622,000
Independent agencies:		
Corporation for Public Broadcasting	200,000,000	214,000,000
District of Columbia Federal payment	20,000,000	20,000,000
Federal Communications Commission	4,911,000	
Federal Emergency Management Agency	14,244,000	14,547,000
Federal Retirement Thrift Investment Board	142,000,000	

II. RECAPITULATION OF PERMANENT APPROPRIATIONS—FEDERAL FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1988 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1987	1988
Executive—Continued		
Independent agencies—Continued		
James Madison Memorial Fellowship Foundation		$13,200,000
Panama Canal Commission	$6,400,000	13,500,000
Postal Service	2,453,785,000	2,900,355,000
Tennessee Valley Authority	1,449,600,000	212,700,000
Total	4,290,940,000	3,388,302,000
Grand total	248,942,596,000	253,107,398,000

III. PERMANENT APPROPRIATIONS—TRUST FUNDS

(For permanent Federal funds, see table II)

COMPILER'S NOTE.—The text and amounts of these permanent appropriations are taken from the budget for the fiscal year 1988. These are funds that do not require annual action by the Congress, but rather become available automatically under earlier laws. The amounts shown are estimated and are thus subject to revision as better data becomes available during the fiscal year.

LEGISLATIVE

LIBRARY OF CONGRESS

Gift Fund:

This fund represents gifts or bequests of money made to the Library of Congress for the immediate disbursement by the Librarian in the interest of the Library, its collections, or its service for the purpose in each case specified *(2 U.S.C. 160; 31 U.S.C. 725s)* $2,202,000

Income from investment account:

This fund represents income from investments held by the Treasury for the benefit of the Library of Congress and is subject to disbursement by the Librarian for the purposes in each case specified *(2 U.S.C. 157; 31 U.S.C. 725s)* 587,000

Payment of interest on bequest of Gertrude M. Hubbard:

Trust fund of $20,000, the interest on which, at 4 percent per annum, is to be used for the purchase of engravings and etchings to be added to the "Gardiner Greene Hubbard Collection" *(Act of Aug. 20, 1912, 37 Stat. 319, sec. 21)* 2,000

Payment of interest on permanent loan:

This appropriation represents a sum equivalent to interest at the rate of 4 percent per annum, payable semiannually, on a permanent loan to the United States, not exceeding $5,000,000, in accordance with provisions of gifts or bequests—such interest, as income, being subject to disbursement by the Librarian of Congress for the purpose specified *(2 U.S.C. 156–158; Act of Mar. 3, 1925, 43 Stat. 1107)* 113,000

Service fees:

Operation of a photoduplication laboratory and a sound recording laboratory are financed from fees received for services rendered to other Government agencies and the public *(2 U.S.C. 160; 31 U.S.C. 725s)* 5,294,000

OFFICE OF TECHNOLOGY ASSESSMENT

Contributions and donations:

This fund provides for the use of contributions and donations for furtherance of the general purposes of the Technology Assessment Act of 1972, Public Law 92-484 *(2 U.S.C. 475(a)(5))* 3,000

Total, Legislative *$8,201,000*

THE JUDICIARY

Judicial Survivors' Annuities Fund:

This fund is used to pay annuities to eligible widows and dependent children of deceased judges of the United States, to make refunds to former judges who have elected to come under the judicial survivors annuity system but who have left the service, and to pay claims of survivors of member judges for any unpaid amounts credited to the individual accounts of such judges *(28 U.S.C. 376)* 15,096,000

Total, the Judiciary *$15,096,000*

EXECUTIVE

FUNDS APPROPRIATED TO THE PRESIDENT

Disaster relief, bequests and gifts:
This fund represents contributions from the estate of Cora Brown to support the disaster relief fund $65,000

Technical assistance, U.S. dollars advanced from foreign governments:
Funds advanced by foreign countries are used to pay for procurement in the United States of nonmilitary materials or services for programs in those countries in accordance with bilateral agreements *(22 U.S.C. 2315)* 5,000,000

Miscellaneous contributed funds:
Funds received by gift, devise, bequest, or from foreign governments for furtherance of the Peace Corps Program *(22 U.S.C. 2509(a)(3))* 300,000

Advances, foreign military sales:
The trust fund, which is strictly a cash account, is to enable foreign governments to take advantage of savings which result from procurements through U.S. Government channels. Authorized by sections 21 and 22 of the Arms Export Control Act, the fund is used to facilitate cash sales of defense articles and services *(82 Stat. 1323)* 9,137,000,000

Total, Funds Appropriated to the President *$9,142,365,000*

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Gifts and bequests:
The Secretary is authorized to accept and administer gifts and bequests of real and personal property to facilitate the work of the Department. Property and the proceeds thereof are used in accordance with the terms of the gift or bequest *(7 U.S.C. 2269)* 101,000

AGRICULTURAL RESEARCH SERVICE

Miscellaneous contributed funds:
Funds received from States, local organizations, individuals, and others available for work under cooperative agreements on research activities *(7 U.S.C. 450b, 2220)* 5,000,000

STATISTICAL REPORTING SERVICE

Miscellaneous contributed funds:
Miscellaneous funds received from local organizations, commodity groups, and others are available for dissemination of reports and for crop and livestock survey work under cooperative agreements *(7 U.S.C. 450b, 450h)* 150,000

ECONOMIC RESEARCH SERVICE

Miscellaneous contributed funds:
Funds received from States, local organizations, and others are available for support of economic research and analysis *(7 U.S.C. 450b, 450h)* 33,000

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Miscellaneous contributed funds:
Miscellaneous funds are received from the Department of State and from Saudi Arabia and other developing countries for USDA development assistance and international research projects *(22 U.S.C. 2392)* 5,188,000

SOIL CONSERVATION SERVICE

Miscellaneous contributed funds:
Miscellaneous funds received from States, local organizations, individuals, and others are available for work under cooperative agreements *(7 U.S.C. 450b)* 560,000

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Expenses, feed, and attendants for animals in quarantine:
Fees advanced by importers *(21 U.S.C. 102)* 2,125,000

Miscellaneous contributed funds:
Funds received from States, local organizations, individuals, and others available for plant and animal quarantine inspections, and cooperative plant and animal disease and pest control activities *(7 U.S.C. 450b, 2220)* 2,610,000

AGRICULTURAL MARKETING SERVICE

Expenses and refunds, inspection and grading of farm products:
An inspection and grading service of products is provided on request. Thus services are supported primarily by fees paid by users. The schedules reflect expenses paid from fees received *(7 U.S.C. 91-99, 1621-1627)* $85,979,000

FOOD SAFETY AND INSPECTION SERVICE

Expenses and refunds, inspection and grading of farm products:
An inspection and grading service for products is provided on request. These services are supported primarily by fees paid by users. A limited amount of direct appropriation is available which covers a portion of the public benefit service. The schedules reflect expenses paid from fees received *(7 U.S.C. 1621-1627)* 825,000

FOREST SERVICE

Reforestation trust fund:
Amounts from this account are used for reforestation as authorized by section 303 of the act of October 14, 1980 *(16 U.S.C. 1606a (d) and (e))* 30,000,000

Miscellaneous trust funds:
Advances, including deposits from purchasers of timber, are received and used for specified work in forest investigations, protection, and improvements of the national forests; and protection, reforestation, and administration of private lands adjacent to national forests *(7 U.S.C. 2269; 16 U.S.C. 498, 535, 565a, 572, 572a, 576b, 1643; and 31 U.S.C. 1321)* 250,369,000

Total, Department of Agriculture *$382,940,000*

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

Gifts and bequests:
This fund established to account for gifts and bequests in furtherance of programs and activities of the Department of Commerce. Property and the proceeds thereof are used as nearly as possible in accordance with the terms of the gift or bequest *(15 U.S.C. 1522)* 200,000

ECONOMIC AND STATISTICAL ANALYSIS

Information products and services:
This fund is maintained to finance the preparation of transcripts from technical and scientific reports, studies, tables, and other research materials 36,400,000

Total, Department of Commerce *$36,600,000*

DEPARTMENT OF DEFENSE—MILITARY

DEPARTMENT OF THE ARMY

General gift fund:
Included in this fund are gifts and bequests limited to specific purposes by the donor, such as, the Evangeline G. Bovard award, Cormack Medal Fund, Quartermaster Foundation Inc., and Henry C. McLean bequest. In addition, it accounts for gifts and bequests not limited to specific use by the donor which may be used for purposes determined by the Secretary of the Army *(10 U.S.C. 2601)* 120,000

DEPARTMENT OF THE NAVY

General gift fund:
This fund consists mostly of donations from individuals, subject to conditions specified by the donor, for the benefit of the Naval Academy, the Naval Academy Museum, and other institutions of the Navy. *(10 U.S.C. 6973; 10 U.S.C. 6974; 10 U.S.C. 2601)* 372,000

Office of Naval Records and History Fund:

Gifts or bequests of money and royalties received from sale of histories of U.S. naval operations shall be deposited in the Treasury of the United States under the title "Office of Naval Records and History Funds," and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the Office of Naval Records and Library subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 7222)* $58,000

Ship's stores profits:

Profits on certain sales, to be expended for the recreation and amusement of the enlisted force of the Navy *(31 U.S.C. 725s (68); 10 U.S.C. 7604)* 22,900,000

United States Naval Academy general gift fund:

Gifts or bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy general gift fund" and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the United States Naval Academy subject to the terms and conditions of the acceptance of any particular gift or bequest. Interest on investments accrues to the fund *(10 U.S.C. 2601, 6973)* 370,000

United States Naval Academy Museum Fund:

Gifts and bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury under the title "United States Naval Academy Museum Fund" and the funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit of the United States Naval Academy Museum, its collection, or its services. Interest on investments accrues to the fund *(10 U.S.C. 6974)* 190,000

DEPARTMENT OF THE AIR FORCE

General gift fund:

This fund is for gifts or bequests to the Air Force, some of which are limited to use for specific purposes by the donors *(10 U.S.C. 2601)* 90,000

Total, Department of Defense—Military *$24,100,000*

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

Funds contributed for river and harbor improvements:

Indefinite appropriations of the amounts received and covered into the Treasury as contributions and advances by local interests in certain localities for river and harbor improvements as provided in various acts of Congress *(33 U.S.C. 560, 561, 701h, 702f, 703)* 250,000,000

MILITARY RETIREMENT

Military Retirement Fund:

The defense authorization bill, Public Law 98-94, provides for accrual funding of the military retirement system, and for the establishment of a Department of Defense Military Retirement Fund 33,409,000,000

EDUCATION BENEFITS

Education Benefits Fund:

Public Law 98-525 provides for the accrual funding of certain new education benefits to be provided to active duty military personnel and to Selected Reserve personnel *(38 U.S.C. 30 and 10 U.S.C. 106)* 234,300,000

SOLDIERS' AND AIRMEN'S HOME

Payment of claims:

Refunds are made from the permanent fund of amounts of courts-martial fines and other charges erroneously deducted from the pay of soldiers and airmen after adjudication of claims therefor by the General Accounting Office *(31 U.S.C. 71, 711(12); 24 U.S.C. 44)* 5,000

Total, Department of Defense—Civil *$33,893,305,000*

DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Promotion of education for the blind:
A $250,000 trust fund was established in 1879 for the American Printing House for the Blind. The statute provides that the fund will produce annually $10,000 in interest income $10,000

Total, Department of Education *$10,000*

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Advances for cooperative work:
When requested, the Western Area Power Administration performs investigations or construction work with the funding provided by non-Federal entities under the Contributed Funds Act *(43 U.S.C. 395, 396)* 138,200,000

Total, Department of Energy *$138,200,000*

ENVIRONMENTAL PROTECTION AGENCY

Miscellaneous contributed funds:
Includes gifts for pollution control programs which are, for the most part, designated for a specific use by the donor, and deposits from pesticide registrants to cover the costs of petition hearings when such hearings result in unfavorable decisions to the petitioner 10,000

Total, Environmental Protection Agency *$10,000*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

Miscellaneous trust funds:
Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are used in accordance with the conditions prescribed *(42 U.S.C. 219, 24 U.S.C. 165, 24 U.S.C. 2001–2004)* 8,124,000

HEALTH CARE FINANCING ADMINISTRATION

Federal Hospital Insurance Trust Fund:
Public Law 89-97 provides social insurance under the Social Security system for inpatient and outpatient hospital care, posthospital extended care, and outpatient hospital extended care, and home health services to over 20 million aged Americans financed by a joint employee-employer tax 67,841,060,000

Federal Supplementary Medical Insurance Trust Fund:
The Social Security Act provides for a voluntary supplemental medical benefits program. Benefit payments are made to those electing coverage to cover the cost of physicians' services, home health services, and other related medical services. Costs of benefit payments and administrative expenses are financed by premium payments together with matching contributions from the general revenues of the Treasury *(revised 4/68)* 34,183,000,000

SOCIAL SECURITY ADMINISTRATION

Federal Old-Age and Survivors Insurance Trust Fund:

Under the provisions of section 201, title II, of the Social Security Act Amendments of 1939, approved August 10, 1939, there was created on the books of the Treasury of the United States a trust fund to be known as the "Federal Old-Age and Survivors Insurance Trust Fund," consisting of the securities held by the Secretary of the Treasury for the "old-age reserve account" and the amount standing to the credit of the "old-age reserve account" on the books of the Treasury of January 1, 1940, which securities and amounts the Secretary of the Treasury was authorized and directed to transfer to the trust fund, and, in addition, such amounts as may be appropriated to the trust fund as provided in the act. The act appropriates funds for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of the taxes (including interest, penalties, and additions to the taxes) received under the Federal Insurance Contributions Act and covered into the Treasury, with the further provision that the trust fund shall repay to the general fund of the Treasury the amount required by the Social Security Board and the Treasury Department to administer title II and title VIII of the act and the Federal Insurance Contributions Act *(42 U.S.C. 401)* $236,399,351,000

Federal Disability Insurance Trust Fund:

The Social Security Act provides disability insurance benefits for certain disabled individuals. An amount equal to 0.55 percent of wages paid and 0.825 percent of self-employment income is appropriated to this fund for benefit payments and administrative expenses. The excess of income over outgo and annual interest are invested in Government securities.

Under the provisions of the act, the Secretary of Health, Education, and Welfare will determine at the end of each year, that portion of the administrative expenses of the Bureau of Old-Age and Survivors Insurance which is a proper charge against this fund *(70 Stat. 821)* 22,759,000,000

Total, Department of Health and Human Services *$361,190,475,000*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

Gifts and bequests:

This fund is the repository of gifts and bequests which the Secretary of Housing and Urban Development is authorized to accept and use for the purpose of aiding the work of the Department 5,000

Total, Department of Housing and Urban Development *$5,000*

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Land and Resource Management Trust Fund:

Applicants for conveyance of lands omitted in original surveys pay the cost of surveys and the administrative costs of conveyance. Advances are made by individuals to pay the costs of other types of surveys requested by them. Users of the Federal range and others contribute funds or make gifts for conservation practices, acquisition, protection, and other purposes *(43 U.S.C. 315, 1719, 1721, and 1737; 31 U.S.C. 1305)* 599,000

Trustee funds, Alaska townsites:

Amounts received from sale of Alaska town lots are available for expenses incident to the maintenance and sale of townsites *(31 U.S.C. 1321; Comp. Gen. Decision of Nov. 18, 1935)* 1,000

BUREAU OF RECLAMATION

Reclamation trust funds:

Funds advanced by State and local governments are used for investigations and construction requested by those governments and by foreign governments for technical services other than those services performed under auspices of Foreign Operations Administration *(43 U.S.C. 395, 396)* 48,000,000

BUREAU OF MINES

Contributed funds:

Funds contributed by States, counties, municipalities and private sources are used to conduct research and investigations to promote (a) the conservation and development of mineral resources and (b) health and safety in the mineral industries $500,000

U.S. FISH AND WILDLIFE SERVICE

Sport fish restoration:

Assistance is provided to States, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and the District of Columbia for up to 75 percent of the cost of approved projects including research into fisheries problems, surveys and inventories of fish populations, and acquisition and improvement of fish habitat and provision of access for public use *(Public Law 98–369)* 174,000,000

Contributed funds:

For miscellaneous contributed funds, received by the Fish and Wildlife Service from States, local organizations, individuals, et cetera, deposited in the Treasury of the United States and made available for work under cooperative agreements *(5 U.S.C. 563, 564; 16 U.S.C. 661)* 4,165,000

NATIONAL PARK SERVICE

Donations:

Hereafter the Secretary of the Interior in the administration of the National Park Service is authorized in his discretion to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the National Park and Monument System *(16 U.S.C. 6)* 12,715,000

Preservation, birthplace of Abraham Lincoln:

Interest from an endowment fund, title to which was transferred to the United States by the Lincoln Farm Association on April 11, 1916, in connection with deed of gift conveying the homestead of Abraham Lincoln and the log cabin in which he was born. This fund has been converted into the city of Louisville, KY, bonds amounting to $44,000 and United States Treasury bonds amounting to $16,500, the income from which is available for expenses incident to the preservation of the birthplace of Lincoln *(16 U.S.C. 211–212)* 8,000

BUREAU OF INDIAN AFFAIRS

Cooperative Fund (Papago):

The Cooperative Fund, established by section 313 of the Southern Arizona Water Rights Settlement Act (96 Stat. 1274–1285), provides a source of funds for the Secretary of the Interior to carry out the obligations of the Secretary under sections 303, 304, and 305 of the act. Only interest accruing to the fund may be expended. However, the law provides that no such interest can be spent prior to the earlier of 1992 or the completion of the main project works of the central Arizona project 932,000

Miscellaneous trust funds:

Funds held in trust for Indian tribes under the provisions of various acts are used for the expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians. The tribes are encouraged to develop plans for the beneficial use of their funds *(44 Stat. 560; 25 U.S.C., Sec. 155; 82 Stat. 171)* 397,070,000

Total, Department of the Interior *$637,990,000*

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Gifts and bequests, National Commission for Employment Policy:

Miscellaneous funds from gifts and bequests are used to carry out the provisions of the National Commission for Employment Policy *(29 U.S.C. 954)* 10,000

Unemployment Trust Fund:

The financial transactions of the Federal-State and railroad unemployment insurance systems are made through the Unemployment Trust Fund. In the Federal-State system, benefit payments are made by each State, financed by State payroll taxes. These tax receipts are deposited in the Unemployment Trust Fund and invested in Government securities until needed for benefit payments. The expenses of State and Federal administration (including those of the Federal-State employment service), are paid from the fund out of revenue from the Federal unemployment tax, assessed on employers, of 0.5 percent of the first $4,200 of wages.

Both the benefit payments and administrative expenses of the separate Unemployment Insurance Program for railroad employees are paid from the Unemployment Trust Fund and receipts from the tax on wages of railroad employees are deposited in the fund to meet expenses *(42 U.S.C. 1104)* $24,200,000,000

EMPLOYMENT STANDARDS ADMINISTRATION

Special workers' compensation expenses; Longshore and Harbor Worker's Compensation Act:

Trust fund created by section 44 of the act of March 4, 1927 *(33 U.S.C. 944)*, from the amount received as compensation for death of an employee where no person is entitled to compensation for such death and from fines and penalties collected; to be used for the payment of additional compensation under the provisions of subdivisions (f) and (g) of section 8 of the act of March 4, 1927 *(33 U.S.C. 908; 31 U.S.C. 725; 33 U.S.C. 944)* 94,000,000

Total, Department of Labor *$24,294,010,000*

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement and Disability Fund:

The act of May 22, 1920 *(41 Stat. 614)* as amended, authorized the establishment of the Civil Service Retirement and Disability Fund and the deposit therein of deductions from the salaries of, and deposits for additional annuity by, employees and other members of the Civil Service Retirement and Disability Fund and appropriated said fund for the payment of annuities, refunds, and allowances to such members. Included in this fund is the basic benefit element of the new Federal Employees' Retirement System (FERS), Public Law 99-335, covering all employees hired after December 31, 1983. Said fund is supplemented by contributions from the various Government agencies as required by the act of July 31, 1956 *(5 U.S.C., ch. 14, Stat. 622, act of July 31, 1956)* 45,524,240,000

Total, Office of Personnel Management *$45,524,240,000*

RAILROAD RETIREMENT BOARD

Rail Industry Pension Fund:

Fund revenues are derived from pension contributions by railroad employers and employees; interest on investments; various temporary subsidies; and payments from the Federal old-age, survivors and disability insurance trust funds 2,725,000,000

Supplemental Annuity Pension Fund:

The Board pays supplemental annuities to rail workers retiring at age 60 with 30 years of creditable rail service or at age 65 with 25-29 years of creditable service 120,000,000

Railroad Social Security equivalent benefit account:

All railroad retirees receive the equivalent of a Social Security benefit, and they may also receive rail industry pension payments and special windfall payments. Social Security benefits for former railroad employees are funded by the Social Security trust funds, and rail industry pension payments are the responsibility of the rail sector. To ensure and protect the integrity of Social Security benefits to railroad retirees, the Railroad Retirement Solvency Act of 1983 mandated that beginning in 1985, the financing and payment of Federal Social Security benefits be separated from the Rail Industry Pension Trust Fund 6,601,000,000

Total, Railroad Retirement Board *$9,446,000,000*

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Foreign Service Retirement and Disability Fund:
This fund is used primarily for the payment of annuities to retired Foreign Service officers. It is also used for the refund of contributions made to certain officers who leave the Foreign Service before retirement. The fund is maintained through (1) contribution of 7 percent of the basic annual salaries of all Foreign Service officers; (2) interest on investments; and (3) Government contributions *(22 U.S.C. 4042)* $739,733,000

Unconditional Gift Fund:
Unconditional gifts may be used to carry out the Department's functions *(22 U.S.C. 809)* 402,000

Conditional Gift Fund:
This fund consists of procurement of furnishing, paintings, and decorative objects for the Department's diplomatic reception rooms and funds donated by overseas commissary and mess services to assist such services at other posts *(22 U.S.C. 809)* 3,598,000

Total, Department of State *$743,733,000*

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY TRUST FUND

The Highway Revenue Act of 1956, as amended, provides for the transfer from the general fund to the Highway Trust Fund of revenue from the gasoline tax and certain other taxes paid by highway users. The Secretary of the Treasury estimates the amounts to be so transferred. In turn, annual appropriations are authorized from this fund to meet expenditures for Federal-aid highways and other programs specified by law as follows:

Federal-aid highways:
Grants are made to States for construction and improvements of Federal-aid highways. Contract authorizations are provided in the Federal-Aid Highway Act of 1956 and subsequent highway legislation to cover 90 percent of the costs of completing the 42,500-mile national system of interstate and defense highways, and to provide Federal matching funds for the primary, secondary, and urban programs under the statutory formulas. The Federal share of project costs is increased in those States with large areas of public domain. Payments to the States for work done are made out of the Highway Trust Fund, into which are deposited certain percentages of tax receipts on motor fuel, tires and tubes, tread rubber, trucks, buses, trailers, truck use, truck parts and accessories, and on lubricating oil used in highway vehicles 13,387,000,000

Highway-related safety grants:
Grants are made to States and communities for implementing and maintaining highway-related safety standards 10,000,000

Motor carrier safety grants:
Grants are made to States to enforce Federal and compatible State standards applicable to commercial motor vehicle safety. States become eligible for funds by adopting Federal truck safety standards and maintaining minimum levels of program funding. The purpose of the grant program is to raise the level of enforcement, not to substitute Federal for State and local dollars 50,000,000

MISCELLANEOUS TRUST FUNDS

Contributions for highway research programs:
In association with the General Services Administration and the Department of Defense, tests of highway equipment are conducted for the purpose of establishing performance standards upon which to base specifications for use by the Government in purchasing such equipment 14,000

Cooperative work, forest highways:
Contributions are received from States and counties in connection with cooperative engineering, survey, maintenance, and construction projects for forest highways *(23 U.S.C. 204)* 375,000

Technical assistance, U.S. dollars advanced from foreign governments:
Under the Foreign Economic Assistance Act and under agreement with the International Bank for Reconstruction and Development and the Export-Import Bank of Washington, the Federal Highway Administration renders technical assistance and acts as agent for the purchase of equipment and materials for carrying out highway programs in foreign countries. During the current year these services are being rendered to Costa Rica, the Dominican Republic, Ethiopia, Iran, Nicaragua, and the Philippines *(64 Stat. 204, 209)* $650,000

Advances from State cooperating agencies:
Funds are contributed by the State highway department or local subdivisions thereof for construction and/or maintenance of roads or bridges. The work is performed under the supervision of the Federal Highway Administration 317,000

COAST GUARD

Coast Guard General Gift Fund:
This trust fund, maintained from gifts and bequests, is used for purposes as specified by the donor in connection with the Coast Guard Training Program *(10 U.S.C. 2601)* 80,000

MARITIME ADMINISTRATION

Special studies, services, and projects:
The trust fund was established pursuant to 15 U.S.C. 1525-1526 to finance joint projects with non-Federal sources on inland waterways communications systems, and the joint development of a bilateral cargo information system 385,000

Gifts and bequests:
The Secretary of Transportation is authorized to accept, hold, administer, and utilize gifts and bequests of property. Proceeds are used in accordance with the terms of the gift or bequest 15,000

Total, Department of Transportation *$13,448,836,000*

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

Gifts and bequests:
The Secretary of the Treasury is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department 250,000

FINANCIAL MANAGEMENT SERVICE

Esther Cattell Schmitt Fund:
Public Law 87-467 *(76 Stat. 88)* authorized the acceptance of the gift made to the United States by the will of Esther Cattell Schmitt. The income received from the gift to the United States is paid by the Secretary of the Treasury to beneficiaries named in provisions of the will 44,000

Pershing Hall Memorial Fund:
The Secretary of the Treasury may invest the Pershing Hall Memorial Fund in interest bearing U.S. bonds. Earnings are paid to the American Legion for use in the maintenance of Pershing Hall in Paris, France *(36 U.S.C. 491)* 7,000

U.S. CUSTOMS SERVICE

Refunds, transfers and expenses, unclaimed, abandoned, and seized goods:
All proceeds of the sale of abandoned and seized merchandise are deposited to this account. Expenses of sale are paid and net proceeds transferred to miscellaneous receipts *(19 U.S.C. 528, 1491, 1493, 1559, 1613, 1624)* 7,831,000

Total, Department of the Treasury *$8,132,000*

VETERANS ADMINISTRATION

Post-Vietnam era veteran's education account:
This account is a depository for that portion of the contributory matching Educational Program which provides educational assistance payments to participants who entered the service after December 31, 1976, and are pursuing training under chapter 32 *(38 U.S.C.)* 201,860,000

General Post Fund, national homes:

This fund consists of gifts, and bequests and proceeds of property left in the care of the homes by former members; unpaid pension money standing to the credit of members of the homes who die without pensionable heirs, and proceeds from effects of members of the homes who die leaving no heirs or next of kin and without having disposed of their estate by will. Such funds are available upon authorization of the Administrator of Veterans Affairs for the construction of chapels, amusement halls, and for other objects to promote the comfort and welfare of the veterans at the various hospitals and homes in cases where no general appropriation is available *(38 U.S.C. Chs. 83 and 85)*.... $15,000,000

National Service Life Insurance Trust Fund:

This fund was established in 1940 as the financing mechanism for World War II Servicemen's and Veterans Insurance Program authorized by the National Service Life Insurance Act of 1940. Over 22 million policies have been issued under this program. Because issuance of new policies ended in 1951 the insurance in force will continue to decline.

This fund is operated on a commercial basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the veterans insurance and indemnities appropriation for claims (1) resulting from extra hazards of the veterans' service, and (2) arising on certain policies held by personnel on active duty *(72 Stat. 1154)*.... 1,375,100,000

U.S. Government Life Insurance Fund:

This fund was established in 1919 to receive premiums and pay claims on insurance issued under the provisions of the War Risk Insurance Act.

The fund is operated on a commercial basis to the greatest possible extent consistent with law. Administrative expenses are charged to the appropriation general operating expenses.

The income of the fund is derived from premium receipts, interest on investments, and payments which are made to the fund from the appropriation veterans insurance and indemnities for claims (a) resulting from the extra hazards of the veterans' service, and (b) arising on certain policies held by personnel on active military duty *(72 Stat. 1161)*.... 15,520,000

Total, Veterans Administration.... *$1,607,480,000*

INDEPENDENT AGENCIES

Advisory Commission on Intergovernmental Relations

Contributions:

State and local governments and nonprofit organizations contribute funds to strengthen the Commission's clearinghouse and information services to State and local governments, for special studies, and to encourage widespread consideration of the Commission's recommendations for improving intergovernmental relations.... 300,000

Advisory Council on Historic Preservation

Donations:

The chairman of the Advisory Council on Historic Preservation accepts and uses donated moneys for purposes of the Council *(16 U.S.C. 470)*.... 5,000

American Battle Monuments Commission

Contributed Flower Fund:

This fund consists of moneys deposited by citizens for floral decorations for graves and for tablets of the missing in military cemeteries and memorials administered by the Commission. The donor is advised when flowers have been placed *(36 U.S.C. 128)*.... 29,000

Repair of non-Federal war memorials:

When requested to do so and upon receipt of the necessary funds, the Commission will arrange for and oversee the repair of war memorials to U.S. Forces erected in foreign countries by American citizens, States, municipalities, or associations. Such moneys are accounted for through this fund *(36 U.S.C. 128)*.... 50,000

APPALACHIAN REGIONAL COMMISSION

Miscellaneous trust funds:

The thirteen Appalachian States share with the Federal Government the administrative expenses of the Appalachian Regional Commission. These expenses will be funded from Federal funds made available for the closeout of the Appalachian Development Programs $1,024,000

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Barry Goldwater Scholarship and Excellence in Education Fund:

Public Law 99-661 established the Foundation to operate the scholarship program that is the permanent Federal tribute to the former Senator from Arizona. Scholarships and honoraria are awarded to encourage excellence in science and mathematics 2,397,000

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

Gifts and donations:

Funds collected are used in furtherance of activities associated with the Commission 30,000

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Thrift Savings Fund:

The Federal Retirement Thrift Investment Board is responsible for managing the Thrift Savings Fund. The fund is a special tax-deferred savings plan for Federal employees establshed by the Federal Employees' Retirement System Act of 1986 (Public Law 99-335) 3,662,704,000

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Harry S Truman Memorial Scholarship Trust Fund:

The Foundation is authorized to award college scholarships annually for 4 years to qualified persons who demonstrate outstanding potential and who are preparing to pursue careers in public service at the local, State, or Federal levels. The Foundation reserves the right to adjust award levels or the number of scholars 3,387,000

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

James Madison Memorial Fellowship Trust Fund:

Public Law 99-500 established the Foundation to operate a fellowship program to encourage graduate study of the American Constitution. Grants were awarded to four specified law schools to establish constitutional law resource centers. The Foundation is authorized to award fellowships of up to $12,000 to individuals selected for their academic achievement and their potential to become secondary school teachers of social studies and American history 20,642,000

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

National Archives Gift Fund:

Proceeds from sale of copies of microfilm publications, reproductions, and other publications, and admission fees to Presidential Library museum rooms are deposited to this fund (*44 U.S.C. 2305*) 380,000

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Gifts and donations (arts):

The National Foundation on the Arts and the Humanities Act of 1965, as amended, authorizes the Arts Endowment to receive money and other donated property. Such gifts may be used, sold, or otherwise disposed of to support arts projects and activities 30,000

Gifts and donations (humanities):

The National Foundation on the Arts and the Humanities Act of 1965, as amended, authorizes the Humanities Endowment to receive money and other donated property. Such gifts may be used, sold, or otherwise disposed of to support humanities projects and activities 350,000

NATIONAL INSTITUTE OF BUILDING SCIENCES

National Institute of Building Sciences Trust Fund:

The purpose of the Institute is to support the development and maintenance of nationally recognized building performance criteria for maintenance of life, safety, health, and public welfare $500,000

NATIONAL SCIENCE FOUNDATION

Donations:

Donations are used in furtherance of general purposes of the Foundation 5,000,000

SMITHSONIAN INSTITUTION

Canal Zone Biological Area Fund:

The act of July 1, 1940, section 6, provides that all moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 7 of said act, shall be deposited into the Treasury as a trust fund to be appropriated and used to defray part of the expenses of maintaining and operating the Canal Zone Biological Area *(60 Stat. 1101; 20 U.S.C. 79, 79a)* 125,000

Endowment Challenge Fund:

Interest income from the Endowment Challenge Fund is utilized for educational and administrative activities of the Woodrow Wilson International Center for Scholars 150,000

U.S. INFORMATION AGENCY

Miscellaneous trust funds:

Funds advanced by other governments, business concerns, and private organizations are used to send experts abroad to perform requested services; to give foreign nationals scientific, technical, or other training; to purchase films and other products owned or controlled by the USIA; to replace damaged or destroyed USIA property; and for international exhibitions *(22 U.S.C. 1431-1479; 70 Stat. 778)*. Funds contributed by private individuals and concerns, foreign governments, and international organizations are used for the purposes of the Mutual Educational and Cultural Exchange Act of 1961 and for carrying out other functions of the Agency *(22 U.S.C. 809a and 2697)* 1,350,000

U.S. TAX COURT

Tax Court Judges Survivors Annuity Fund:

This fund, established under 26 U.S.C. 7448, effective October 4, 1961, is used to pay annuities to eligible widows and dependent children of deceased judges of the Tax Court of the United States. Participating judges pay into the fund 3.5 percent of their salaries or retired pay to cover creditable service for which payment is required and additional funds needed are transferred to the fund by the Tax Court from appropriations 377,000

Total, Independent agencies *$3,699,430,000*

Grand total, trust funds *504,241,158,000*

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS

[Note.—Basically, the amounts shown are taken from the fiscal year 1988 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1987	1988
Legislative:		
Library of Congress	$8,198,000	$8,198,000
Office of Technology Assessment	3,000	3,000
Total	8,201,000	8,201,000
The Judiciary	15,594,000	15,096,000
Executive:		
Funds appropriated to the President	9,341,361,000	9,142,365,000
Department of Agriculture:		
Office of the Secretary	101,000	101,000
Agricultural Research Service	5,000,000	5,000,000
Statistical Reporting Service	150,000	150,000
Economic Research Service	33,000	33,000
Office of International Cooperation and Development	5,172,000	5,188,000
Soil Conservation Service	560,000	560,000
Animal and Plant Health Inspection Service	4,735,000	4,735,000
Agricultural Marketing Service	82,227,000	85,979,000
Food Safety and Inspection Service	825,000	825,000
Forest Service	227,616,000	280,369,000
Total	326,419,000	382,940,000
Department of Commerce:		
General Administration	200,000	200,000
Economic and Statistical Analysis	36,639,000	36,400,000
Total	36,839,000	36,600,000
Department of Defense—Military	23,900,000	24,100,000
Department of Defense—Civil:		
Corps of Engineers—Civil	237,000,000	250,000,000
Military retirement	31,245,855,000	33,409,000,000
Education benefits	309,200,000	234,300,000
Soldiers' and Airmen's Home	5,000	5,000
Total	31,792,060,000	33,893,305,000
Department of Education: Office of Special Education and Rehabilitative Services	10,000	10,000
Department of Energy: Energy programs	149,802,000	138,200,000
Environmental Protection Agency	30,000	10,000
Department of Health and Human Services:		
Office of the Assistant Secretary for Health	8,124,000	8,124,000
Health Care Financing Administration	90,412,000,000	102,024,000,000
Social Security Administration	227,979,705,000	259,158,351,000
Total	318,399,829,000	361,190,475,000
Department of Housing and Urban Development: Management and Administration	5,000	5,000
Department of the Interior:		
Bureau of Land Management	600,000	600,000
Bureau of Reclamation	34,970,000	48,000,000
U.S. Fish and Wildlife Service	145,181,000	178,165,000
National Park Service	9,271,000	12,723,000
Geological Survey	400,000	.....

III. RECAPITULATION OF PERMANENT APPROPRIATIONS—TRUST FUNDS—Continued

[Note.—Basically, the amounts shown are taken from the fiscal year 1988 budget and are subject to revision as better data becomes available.]

Department or establishment	Amounts—fiscal years	
	1987	1988
Executive—Continued		
Department of the Interior—Continued		
Bureau of Mines	$500,000	$500,000
Bureau of Indian Affairs	394,206,000	398,002,000
Total	585,128,000	637,990,000
Department of Labor:		
Employment and Training Administration	25,600,010,000	24,200,010,000
Employment Standards Administration	87,000,000	94,000,000
Total	25,687,010,000	24,294,010,000
Office of Personnel Management	43,306,121,000	45,524,240,000
Railroad Retirement Board	9,372,000,000	9,446,000,000
Department of State: Administration of Foreign Affairs	756,334,000	743,733,000
Department of Transportation:		
Federal Highway Administration	4,104,982,000	13,448,356,000
Urban Mass Transportation Administration	1,002,500,000	
Federal Aviation Administration	1,017,200,000	
Coast Guard	80,000	80,000
Maritime Administration	400,000	400,000
Total	6,125,162,000	13,448,836,000
Department of the Treasury:		
Departmental Offices	1,000,000	250,000
Financial Management Service	51,000	51,000
U.S. Customs Service	7,537,000	7,831,000
Total	8,588,000	8,132,000
Veterans Administration	1,645,080,000	1,607,480,000
Independent agencies:		
Advisory Commission on Intergovernmental Relations	150,000	300,000
Advisory Council on Historic Preservation	5,000	5,000
American Battle Monuments Commission	79,000	79,000
Appalachian Regional Commission	3,500,000	1,024,000
Barry Goldwater Scholarship and Excellence in Education Foundation	1,630,000	2,397,000
Commission on the Bicentennial of the United States Constitution	30,000	30,000
Federal Retirement Thrift Investment Board	1,316,913,000	3,662,704,000
Harry S Truman Scholarship Foundation	4,370,000	3,987,000
James Madison Memorial Fellowship Foundation		20,642,000
National Archives and Records Administration	380,000	380,000
National Foundation on the Arts and the Humanities	380,000	380,000
National Institute of Building Sciences	500,000	500,000
National Science Foundation	13,496,000	5,000,000
Smithsonian Institution	175,000	275,000
U.S. Information Agency	1,548,000	1,350,000
U.S. Tax Court	340,000	377,000
Total, Independent Agencies	1,343,496,000	3,699,430,000
Grand total	448,922,969,000	504,241,158,000

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 100TH CONG., 1ST SESS.

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS		
Departments of Commerce, Justice, and State, the Judiciary, and related agencies (pp. 91-92):[1]		
Department of Commerce *($28,291,000 current trust funds)*	$2,410,489,000	
Rescission	−1,541,067	
Department of Justice	5,025,504,000	
Department of State	2,688,465,000	
The Judiciary	1,329,934,000	
Related agencies *($1,200,000 current trust funds)*	2,452,145,000	
Total *(net)*		[1] $13,904,995,933
Department of Defense (pp. 93-94):[2]		
Military personnel	75,270,179,000	
Operation and maintenance	80,337,490,000	
Procurement	84,195,392,000	
Research, development, test, and evaluation	37,067,316,000	
Revolving and management funds	881,214,000	
Chemical agents and munitions destruction, Defense	198,500,000	
Related agencies	157,757,000	
General provisions	875,000,000	
Rescissions	−3,531,030,000	
Total *(net)*		[2] 275,451,818,000
District of Columbia (pp. 95-96):[3]		
Federal funds to the District of Columbia	570,000,000	
Rescission	−20,000,000	
(District of Columbia funds, fiscal year 1988)	*(3,077,347,000)*	
(District of Columbia funds, fiscal year 1987 supplemental) (net)	*(76,667,000)*	
Total *(net)*		[3] 550,000,000
Energy and water development (pp. 97-98):[4]		
Department of Defense—Civil	3,247,108,000	
Department of the Interior	956,305,000	
Department of Energy	11,002,494,000	
Independent agencies	407,691,000	
Total		[4] 15,613,598,000
Foreign operations, export financing, and related programs (pp. 99-100):[5]		
Multilateral Economic Assistance	1,450,219,471	
Bilateral Economic Assistance	6,084,688,270	
Military Assistance	5,360,839,000	
Export Assistance	715,000,000	
General provisions	−12,000,000	
Total		[5] 13,598,746,741
Department of Housing and Urban Development—Independent agencies (pp. 101-102):[6]		
Department of Housing and Urban Development	13,460,112,000	
Rescission of contract authority (indefinite)	−256,700,000	

See footnotes at end of table, p. 2366.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 100TH CONG., 1ST SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Department of Housing and Urban Development—Independent agencies (pp. 101-102)—Continued:[6]		
Independent agencies:		
American Battle Monuments Commission	$12,408,000	
Consumer Product Safety Commission	32,696,000	
Cemeterial Expenses, Army	8,164,000	
Environmental Protection Agency *($1,128,000,000 current trust funds)*	5,027,442,000	
Council on Environmental Quality and Office of Environmental Quality	826,000	
Office of Science and Technology Policy	1,888,000	
Federal Emergency Management Agency	632,337,000	
Consumer Information Center	1,279,000	
Office of Consumer Affairs	1,670,000	
National Aeronautics and Space Administration	8,856,461,000	
National Science Foundation	1,717,000,000	
Neighborhood Reinvestment Corporation	18,720,000	
Selective Service System	25,459,000	
Veterans Administration	27,024,784,000	
Total *(net)*		[6] $56,564,546,000
Department of the Interior and related agencies (pp. 103-104):[7]		
Department of the Interior *($1,100,000 current trust funds)*	4,393,230,000	
Rescissions	−31,900,000	
Related agencies:		
Forest Service *($90,000 current trust funds)*	1,761,320,000	
Rescission	−75,000,000	
Department of Energy	2,063,196,000	
Department of Health and Human Services	1,005,808,000	
Department of Education	66,326,000	
Other related agencies	644,236,000	
Total *(net)*		[7] 9,827,216,000
Departments of Labor, Health and Human Services, and Education, and related agencies (pp. 105-107):[8]		
Department of Labor *($688,725,000 current trust funds)*	6,272,006,000	
Department of Health and Human Services	100,812,115,000	
Department of Education	20,178,460,000	
Related agencies *($51,324,000 current trust funds)*	982,800,000	
Total		[8] 128,245,381,000
Legislative branch (p. 109):[9]		
Congressional Operations	1,195,253,500	
Other agencies	550,248,000	
Total		[9] 1,745,501,500
Military construction (p. 111):[10]	8,435,200,000	
Rescissions	−156,200,000	
Total *(net)*		[10] 8,279,000,000
Rural development, agriculture, and related agencies (pp. 113-114):[11]		
Agricultural programs	23,871,233,000	
Rural development programs	10,365,112,000	
Domestic food programs	16,450,370,000	
International programs	1,158,408,000	
Related agencies	510,379,000	
Total		[11] 52,355,502,000

See footnotes at end of table, p. 2366

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 100TH CONG., 1ST SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
REGULAR ANNUAL APPROPRIATION ACTS—Continued		
Department of Transportation and related agencies (pp. 115-116) [12]		
Department of Transportation *($2,200,814,333 current trust funds)*	$10,053,107,000	
Related agencies *($9,880,000 current trust funds)*	569,948,000	
Total		[12] $10,623,055,000
Treasury, Postal Service, and general government (pp. 117-119) [13]		
Department of the Treasury	7,397,872,000	
United States Postal Service	517,001,000	
Executive Office of the President	108,150,000	
Independent agencies	7,092,676,000	
Total		[13] 15,115,699,000
Total, regular annual appropriation acts *(net)*		[14] 601,875,059,174
SUPPLEMENTAL APPROPRIATION ACTS		
Emergency Food and Shelter Program, 1987 (P.L. 100-6) (pp. 1-4)	−7,475,000	
Supplemental Appropriations Act, 1987 (P.L. 100-71) (pp. 5-90)	9,970,332,976	
Rescissions	−593,213,000	
Total, supplemental appropriation acts *(net)*		9,369,644,976
CONTINUING APPROPRIATIONS		
Fourth Further Continuing Appropriations, 1988 (P.L. 100-202):		
Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1988 *(net)* (pp. 132-172)	[15] *(13,904,995,933)*	
Department of Defense, 1988 *(net)* (pp. 172-214)	[15] *(275,451,818,000)*	
District of Columbia, 1988 *(net)* (pp. 214-228)	[15] *(550,000,000)*	
Energy and water development, 1988 (pp. 228-253)	[15] *(15,613,598,000)*	
Foreign operations, export financing, and related programs, 1988 (pp. 253-305)	[15] *(13,598,746,741)*	
Department of Housing and Urban Development—Independent agencies, 1988 *(net)* (pp. 305-330)	[15] *(56,564,546,000)*	
Department of the Interior and related agencies, 1988 *(net)* (pp. 331-371)	[15] *(9,827,216,000)*	
Departments of Labor, Health and Human Services, and Education, and related agencies, 1988 (pp. 371-404)	[15] *(128,245,381,000)*	
Legislative branch, 1988 (pp. 404-423)	[15] *(1,745,501,500)*	
Military construction, 1988 *(net)* (pp. 423-434)	[15] *(8,279,000,000)*	
Rural development, agriculture, and related agencies, 1988 (pp. 434-468)	[15] *(52,355,502,000)*	
Department of Transportation and related agencies, 1988 (pp. 468-499)	[15] *(10,623,055,000)*	
Treasury, Postal Service and general government, 1988 (pp. 499-537)	[15] *(15,115,699,000)*	
Assistance to the Nicaraguan Democratic Resistance *(by transfer)* (pp. 541-546)	*(8,100,000)*	
Agricultural aid and trade missions (pp. 549-554)	200,000	
Total, continuing appropriations		200,000
MISCELLANEOUS LAWS CARRYING APPROPRIATIONS		
Legislative acts (pp. 2511-2512)	[16] 12,375,000,000	
Federal funds	(−2,107,000,000)	
Trust funds	(14,482,000,000)	
Private appropriation acts (p. 2327) [17]	([17])	
Total appropriations in miscellaneous laws		12,375,000,000
Grand total, regular annual, supplemental, continuing and other acts *(net)*		623,619,904,150
Consisting of—		
New budget *(obligational)* authority	(628,292,963,217)	
Rescissions of unobligated balanaces	(−4,673,059,067)	

See footnotes at end of table, p. 2366.

IV. RECAPITULATION OF APPROPRIATIONS BY ACTS, IRRESPECTIVE OF FISCAL YEARS, 100TH CONG., 1ST SESS.—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Title of appropriation act		Amount
PERMANENT FEDERAL FUNDS AND TRUST FUNDS		
Federal funds:		
Interest on public debt (p. 2341)	$191,569,049,000	
Other (pp. 2329-2345)	61,538,349,000	
Total, Federal funds	253,107,398,000	
Trust funds:		
Social Security Administration (p. 2352)	259,158,351,000	
Other (pp. 2347-2361)	245,082,807,000	
Total, Trust funds	504,241,158,000	
Total, permanent Federal funds and Trust funds		$757,348,556,000
Grand total, all funds *(net)*		1,380,968,460,150
Fiscal year 1987 *(net)*	9,369,644,976	
Fiscal year 1988 *(net)*	1,357,071,167,174	
Fiscal year 1989	14,295,000,000	
Fiscal year 1990	232,648,000	
RECAPITULATION AND RECONCILIATION		
Federal funds		858,135,877,817
Trust funds		[18] 522,832,582,333
Adjustment for interfund and intragovernmental transactions (see par. 6 "Compilers' Notes", p. IV)		−209,337,833,000
Net total new budget *(obligational)* authority for session		1,171,630,627,150

[1] Funding for programs and activities normally included in this bill is provided under Sec. 101(a) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 132-172, this volume).

[2] Funding for programs and activities normally included in this bill is provided under Sec. 101(b) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 172-214, this volume).

[3] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 214-228, this volume).

[4] Funding for programs and activities normally included in this bill is provided under Sec. 101(d) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 228-253, this volume).

[5] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 253-305, this volume).

[6] Funding for programs and activities normally included in this bill is provided under Sec. 101(f) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 305-330, this volume).

[7] Funding for programs and activities normally included in this bill is provided under Sec. 101(g) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 331-371, this volume).

[8] Funding for programs and activities normally included in this bill is provided under Sec. 101(h) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 371-404, this volume).

[9] Funding for programs and activities normally included in this bill is provided under Sec. 101(i) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 404-423, this volume).

[10] Funding for programs and activities normally included in this bill is provided under Sec. 101(j) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. **423-434**, this volume).

[11] Funding for programs and activities normally included in this bill is provided under Sec. 101(k) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. **434-468**, this volume).

[12] Funding for programs and activities normally included in this bill is provided under Sec. 101(l) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 468-499, this volume).

[13] Funding for programs and activities normally included in this bill is provided under Sec. 101(m) of Public Law 100-202, Fourth Further Continuing Appropriations, 1988 (see pp. 499-537, this volume).

[14] Funding for all thirteen of the regular annual appropriation bills, which were not passed by the Congress, is provided through Public Law 100-202, Fourth Further Continuing Appropriations, 1988.

[15] For informational purposes only. Amount included in total for "regular annual appropriations acts (net)" earlier in table.

[16] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[17] **There were twelve private relief acts approved during the 100th Cong., 1st sess.; however, there was no new budget (obligational) authority provided in any of those acts.**

[18] **Consists of $4,109,424,333 in "current" trust funds; $14,482,000,000 in trust funds from Legislative Acts; and $504,241,158,000 in "permanent" trust funds.**

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1987 AND 1988

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1987—99th Cong., 2d sess. 100th Cong., 1st sess	Fiscal year 1988—100th Cong., 1st sess	Increase (+) or decrease (−), 1988 compared with 1987
Department of Agriculture:			
Regular annual, supplemental and continuing acts:			
Agricultural programs	$27,937,586,000	$23,871,233,000	−$4,066,353,000
Rescission	−6,000,000		+6,000,000
Rural development programs	6,150,758,000	10,365,112,000	+4,214,354,000
Domestic food programs	15,681,345,000	16,450,370,000	+769,025,000
International programs	1,174,503,000	1,158,608,000	−15,895,000
Forest Service	1,709,625,000	1,761,320,000	+51,695,000
Rescission	−30,000,000	−75,000,000	−45,000,000
Total, regular annual, supplemental and continuing acts *(net)*	52,617,817,000	53,531,643,000	+913,826,000
Legislative acts: Federal funds [1]	[1] 1,504,000,000	[1] −1,199,000,000	−2,703,000,000
Permanent appropriations:			
Federal funds	8,155,222,000	[2] 4,352,120,000	−3,803,102,000
(Authority to borrow)	*(3,880,934,000)*	*(44,707,000)*	*(−3,836,227,000)*
Trust funds	326,419,000	382,940,000	+56,521,000
Total, Department of Agriculture *(net)*	62,603,458,000	57,067,703,000	−5,535,755,000
Department of Commerce:			
Regular annual, supplemental and continuing acts	2,133,466,000	2,410,489,000	+277,023,000
Rescission	−9,676,000	−1,541,067	+8,134,933
Total, regular annual, supplemental and continuing acts *(net)*	2,123,790,000	2,408,947,933	+285,157,933
Legislative acts: Federal funds [1]	[1] 2,000,000		−2,000,000
Permanent appropriations:			
Federal funds	57,426,000	57,400,000	−26,000
Trust funds	36,839,000	36,600,000	−239,000
Total, Department of Commerce *(net)*	2,220,055,000	2,502,947,933	+282,892,933
Department of Defense—Civil:			
Regular annual, supplemental and continuing acts	3,192,166,000	3,306,596,000	+114,430,000
Permanent appropriations:			
Federal funds	10,537,265,000	11,212,520,000	+675,255,000
Trust funds	31,792,060,000	33,893,305,000	+2,101,245,000
Total, Department of Defense—Civil	45,521,491,000	48,412,421,000	+2,890,930,000
Department of Defense—Military:			
Regular annual, supplemental and continuing acts:			
Army	74,482,667,000	75,755,920,000	+1,273,253,000
Rescission	−740,485,000	−421,593,000	+318,892,000
Navy	95,049,258,000	101,571,208,000	+6,521,950,000
Rescission	−2,434,381,000	−1,636,270,000	+798,111,000
Air Force	93,544,205,000	89,590,126,000	−3,954,079,000
Rescission	−2,187,311,000	−1,481,367,000	+705,944,000
Department of Defense	20,592,657,000	20,343,037,000	−249,620,000
Rescission	−48,600,000	−148,000,000	−99,400,000
Total, regular annual, supplemental and continuing acts *(net)*	278,258,010,000	283,573,061,000	+5,315,051,000
Appropriated during 99th Cong., 2d sess. for fiscal year 1988		[3] *(221,000,000)*	*(+221,000,000)*
Legislative acts: Trust funds [1]	[1] −186,000,000		+186,000,000

See footnotes at end of table, p. 2372

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1987 AND 1988—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1987—99th Cong., 2d sess. 100th Cong., 1st sess.	Fiscal year 1988—100th Cong., 1st sess.	Increase (+) or decrease (−), 1988 compared with 1987
Department of Defense—Military—Continued:			
Permanent appropriations:			
Federal funds	$3,600,000	$224,000,000	+$220,400,000
(Authority to borrow)	*(3,600,000)*	*(3,000,000)*	*(−600,000)*
Trust funds	23,900,000	24,100,000	+200,000
Total, Department of Defense—Military *(net)*	278,099,510,000	283,821,161,000	+5,721,651,000
District of Columbia—Federal funds:			
Regular annual and continuing acts	560,380,000	550,000,000	−10,380,000
Rescission		−20,000,000	−20,000,000
Total, regular annual and continuing acts *(net)*	560,380,000	530,000,000	−30,380,000
Appropriated during 99th Cong., 1st sess. for fiscal year 1987	[3] *(20,000,000)*		*(−20,000,000)*
Appropriated during 99th Cong., 2d sess. for fiscal year 1988		[3] *(20,000,000)*	*(+20,000,000)*
Permanent appropriations: Federal funds	20,000,000	20,000,000	
Total, District of Columbia—Federal funds *(net)*	580,380,000	550,000,000	−30,380,000
District of Columbia—Payable from District revenues:			
(Regular annual and continuing acts) (net)	*(3,137,074,000)*	*(3,077,347,000)*	*(−59,727,000)*
Department of Education:			
Regular annual, supplemental and continuing acts	19,521,654,000	20,244,786,000	+723,132,000
Permanent appropriations:			
Federal funds	7,148,000	7,148,000	
Trust funds	10,000	10,000	
Total, Department of Education	19,528,812,000	20,251,944,000	+723,132,000
Department of Energy:			
Regular annual and continuing acts	11,340,267,000	12,540,690,000	+1,200,423,000
Legislative acts: Federal funds [1]	[1] 200,000,000		−200,000,000
Permanent appropriations:			
Federal funds	332,052,000	213,530,000	−118,522,000
(Authority to borrow)	*(327,659,000)*	*(205,800,000)*	*(−121,859,000)*
Trust funds	149,802,000	138,200,000	−11,602,000
Total, Department of Energy	12,022,121,000	12,892,420,000	+870,299,000
Environmental Protection Agency:			
Regular annual, supplemental and continuing acts	4,764,092,000	5,027,442,000	+263,350,000
Rescission	−600,000,000		+600,000,000
Total, regular annual, supplemental and continuing acts *(net)*	4,164,092,000	5,027,442,000	+863,350,000
Permanent appropriations: Trust funds	30,000	10,000	−20,000
Total, Environmental Protection Agency *(net)*	4,164,122,000	5,027,452,000	+863,330,000
Foreign Assistance:			
Regular annual, supplemental and continuing acts	13,326,976,197	13,143,706,741	−183,269,456
Permanent appropriations:			
Federal funds	10,000,000	22,000,000	+12,000,000
(Authority to borrow)	*(10,000,000)*	*(22,000,000)*	*(+12,000,000)*
Trust funds	9,341,361,000	9,142,365,000	−198,996,000
(Contract authority)	*(9,326,000,000)*	*(9,137,000,000)*	*(−189,000,000)*
Total, Foreign Assistance	22,678,337,197	22,308,071,741	−370,265,456

See footnotes at end of table, p. 2372.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1987 AND 1988—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1987—99th Cong., 2d sess. 100th Cong., 1st sess.	Fiscal year 1988—100th Cong., 1st sess.	Increase (+) or decrease (−), 1988 compared with 1987
General Government:			
Regular annual, supplemental and continuing acts	$6,679,247,145	$6,866,453,000	+$187,205,855
Rescission	−7,475,000		+7,475,000
Total, regular annual, supplemental and continuing acts *(net)*	6,671,772,145	6,866,453,000	+194,680,855
Appropriated during 98th Cong., 2d sess. for fiscal year 1987	[3] *(200,000,000)*		*(−200,000,000)*
Appropriated during 99th Cong., 1st sess. and 2d. sess. for fiscal year 1988		[3] *(227,200,000)*	*(+227,200,000)*
Legislative acts:			
Federal funds [1]	[1] −440,000,000	[1] −1,000,000	+439,000,000
Trust funds [1]	[1] 1,231,000,000		−1,231,000,000
Permanent appropriations:			
Federal funds	1,817,155,000	467,947,000	−1,349,208,000
(Authority to borrow)	*(1,463,844,000)*	*(227,247,000)*	*(−1,236,597,000)*
Trust funds	1,343,496,000	3,699,430,000	+2,355,934,000
Total, General Government *(net)*	10,623,423,145	11,032,830,000	+409,406,855
General Services Administration:			
Regular annual, supplemental and continuing acts	380,727,800	277,104,000	−103,623,800
Permanent appropriations: Federal funds	14,168,000	16,708,000	+2,540,000
Total, General Services Administration	394,895,800	293,812,000	−101,083,800
Department of Health and Human Services:			
Regular annual, supplemental and continuing acts:			
Food and Drug Administration	450,309,000	477,566,000	+27,257,000
Health Resources and Services Administration	2,496,263,000	2,584,073,000	+87,810,000
Center for Disease Control	587,304,000	771,772,000	+184,468,000
National Institutes of Health	6,182,910,000	6,666,693,000	+483,783,000
Alcohol, Drug Abuse and Mental Health Administration	1,415,846,000	1,439,129,000	+23,283,000
Assistant Secretary for Health	234,708,000	195,913,000	−38,795,000
Health Care Financing Administration	40,681,396,000	48,937,211,000	+8,255,815,000
Social Security Administration	6,040,970,000	10,304,134,000	+4,263,164,000
Family Support Administration	13,253,554,000	11,077,463,000	−2,176,091,000
Human Development Services Administration	6,342,597,000	5,966,710,000	−375,887,000
Departmental Management	179,288,000	126,495,000	−52,793,000
Total, regular annual, supplemental and continuing acts	77,865,145,000	88,547,159,000	+10,682,014,000
Appropriated during 99th Cong., 1st sess. for fiscal year 1987	[3] *(11,473,754,000)*		*(−11,473,754,000)*
Appropriated during 99th Cong., 2d sess. for fiscal year 1988		[3] *(12,598,065,000)*	*(+12,598,065,000)*
Legislative acts: Trust funds [1]	[1] 538,000,000	[1] 582,000,000	+44,000,000
Permanent appropriations:			
Federal funds	17,018,496,000	19,408,100,000	+2,389,604,000
Trust funds	318,399,829,000	361,190,475,000	+42,790,646,000
Total, Department of Health and Human Services	413,821,470,000	469,727,734,000	+55,906,264,000
Department of Housing and Urban Development:			
Regular annual, supplemental and continuing acts	13,559,140,300	13,460,112,000	−99,028,300
Rescission	−6,822,313,000	−256,700,000	+6,565,613,000
Total, regular annual, supplemental and continuing acts *(net)*	6,736,827,300	13,203,412,000	+6,466,584,700
Legislative acts: Federal funds [1]	[1] 183,000,000		−183,000,000

See footnotes at end of table, p. 2372.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1987 AND 1988—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III)]

Agency and item	Fiscal year 1987—99th Cong., 2d sess. 100th Cong., 1st sess.	Fiscal year 1988—100th Cong., 1st sess.	Increase (+) or decrease (−), 1988 compared with 1987
Department of Housing and Urban Development—Continued:			
Permanent appropriations:			
Federal funds	$1,892,910,000	$1,940,060,000	+$47,150,000
(Authority to borrow)	*(1,886,400,000)*	*(1,932,900,000)*	*(+46,500,000)*
Trust funds	5,000	5,000	
Total, Department of Housing and Urban Development *(net)*	8,812,742,300	15,143,477,000	+6,330,734,700
Department of the Interior:			
Regular annual, supplemental and continuing acts:			
Bureau of Reclamation	876,406,000	956,305,000	+79,899,000
Bureau of Land Management	679,524,000	690,574,000	+11,050,000
Rescission	−3,200,000		+3,200,000
United States Fish and Wildlife Service	426,036,000	426,055,000	+19,000
National Park Service	875,322,000	895,904,000	+20,582,000
Rescission	−30,000,000	−31,900,000	−1,900,000
Geological Survey	431,540,000	447,747,000	+16,207,000
Minerals Management Service	161,497,000	168,717,000	+7,220,000
Bureau of Mines	140,412,000	146,398,000	+5,986,000
Office of Surface Mining Reclamation and Enforcement	303,723,000	301,505,000	−2,218,000
Bureau of Indian Affairs	1,037,253,000	1,072,406,000	+35,153,000
Territorial and International Affairs	147,861,000	153,795,000	+5,934,000
Departmental Offices	81,880,000	90,129,000	+8,249,000
Total, regular annual, supplemental and continuing acts *(net)*	5,128,254,000	5,317,635,000	+189,381,000
Legislative acts: Federal funds [1]	[1] 214,000,000	[1] 8,000,000	−206,000,000
Permanent appropriations:			
Federal funds	952,373,000	949,821,000	−2,552,000
(Authority to borrow)	*(1,300,000)*	*(1,300,000)*	
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
Trust funds	585,128,000	637,990,000	+52,862,000
Total, Department of the Interior *(net)*	6,879,755,000	6,913,446,000	+33,691,000
The Judiciary:			
Regular annual, supplemental and continuing acts	1,253,908,000	1,324,805,000	+70,897,000
Legislative acts: Trust funds [1]	[1] 2,000,000		−2,000,000
Permanent appropriations: Trust funds	15,594,000	15,096,000	−498,000
Total, The Judiciary	1,271,502,000	1,339,901,000	+68,399,000
Department of Justice:			
Regular annual, supplemental and continuing acts	4,950,721,000	5,025,504,000	+74,783,000
Legislative acts: Federal funds [1]	[1] 10,000,000		−10,000,000
Permanent appropriations: Federal funds	62,506,000	324,692,000	+262,186,000
Total, Department of Justice	5,023,227,000	5,350,196,000	+326,969,000
Department of Labor:			
Regular annual, supplemental and continuing acts	5,699,204,000	6,272,006,000	+572,802,000
Legislative acts: Trust funds [1]		[1] 715,000,000	+715,000,000
Permanent appropriations: Trust funds	25,687,010,000	24,294,010,000	−1,393,000,000
Total, Department of Labor	31,386,214,000	31,281,016,000	−105,198,000
Legislative Branch:			
Regular annual, supplemental and continuing acts	1,722,301,914	1,745,501,500	+23,199,586
Permanent appropriations:			
Federal funds	141,342,000	181,172,000	+39,830,000
Trust funds	8,201,000	8,201,000	
Total, Legislative Branch	1,871,844,914	1,934,874,500	+63,029,586

See footnotes at end of table, p. 2372.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1987 AND 1988—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1987—99th Cong., 2d sess. 100th Cong., 1st sess.	Fiscal year 1988—100th Cong., 1st sess.	Increase (+) or decrease (−), 1988 compared with 1987
National Aeronautics and Space Administration:			
Regular annual, supplemental and continuing acts	$10,837,000,000	$8,856,461,000	−$1,980,539,000
Permanent appropriations: Federal funds	100,000,000		−100,000,000
Total, National Aeronautics and Space Administration	10,937,000,000	8,856,461,000	−2,080,539,000
Office of Personnel Management:			
Regular annual, supplemental and continuing acts	6,121,379,000	6,611,678,000	+490,299,000
Legislative acts:			
Federal funds [1]	[1] −470,000,000		+470,000,000
Trust funds [1]	[1] 5,000,000	[1] 370,000,000	+365,000,000
Permanent appropriations:			
Federal funds	11,318,737,000	11,233,021,000	−85,716,000
Trust funds	43,306,121,000	45,524,240,000	+2,218,119,000
Total, Office of Personnel Management	60,281,237,000	63,738,939,000	+3,457,702,000
Postal Service:			
Regular annual and continuing acts	650,000,000	517,001,000	−132,999,000
Legislative acts: Federal funds [1]	[1] 390,000,000	[1] −820,000,000	−1,210,000,000
Permanent appropriations:			
Federal funds	2,453,785,000	2,900,355,000	+446,570,000
(Authority to borrow)	*(2,453,785,000)*	*(2,900,355,000)*	*(+446,570,000)*
Total, Postal Service	3,493,785,000	2,597,356,000	−896,429,000
Railroad Retirement Board:			
Regular annual and continuing acts	383,100,000	355,423,000	−27,677,000
Legislative acts: Trust funds [1]		[1] 144,000,000	+144,000,000
Permanent appropriations:			
Federal funds	2,559,000,000	2,463,000,000	−96,000,000
Trust funds	9,372,000,000	9,446,000,000	+74,000,000
Total, Railroad Retirement Board	12,314,100,000	12,408,423,000	+94,323,000
Small Business Administration:			
Regular annual and continuing acts	481,742,000	414,985,000	−66,757,000
Legislative acts: Federal funds [1]		[1] −43,000,000	−43,000,000
Permanent appropriations:			
Federal funds	43,000,000		−43,000,000
(Authority to borrow)	*(43,000,000)*		*(−43,000,000)*
Total, Small Business Administration	524,742,000	371,985,000	−152,757,000
Department of State:			
Regular annual, supplemental and continuing acts	3,170,444,831	3,143,505,000	−26,939,831
Permanent appropriations:			
Federal funds	170,045,000	150,345,000	−19,700,000
Trust funds	756,334,000	743,733,000	−12,601,000
Total, Department of State	4,096,823,831	4,037,583,000	−59,240,831
Department of Transportation:			
Regular annual, supplemental and continuing acts:			
Office of the Secretary	84,349,000	66,297,000	−18,052,000
Coast Guard	2,545,400,000	2,505,626,000	−39,774,000
Federal Aviation Administration	3,924,892,000	4,445,521,000	+520,629,000
Federal Highway Administration	122,421,000	130,614,000	+8,193,000
National Highway Traffic Safety Administration	89,939,000	92,880,000	+2,941,000
Rescission	−5,000,000		+5,000,000
Federal Railroad Administration	689,377,783	667,531,000	−21,846,783
Urban Mass Transportation Administration	2,449,519,500	2,084,552,000	−364,967,500
Saint Lawrence Seaway Development Corporation	6,000,000	10,806,000	+4,806,000
Research and Special Programs Administration	19,950,000	21,382,000	+1,432,000

See footnotes at end of table, p. 2372.

IVa. COMPARISON OF APPROPRIATIONS BY DEPARTMENTS AND ESTABLISHMENTS, FISCAL YEARS 1987 AND 1988—Continued

[NOTE.—Concept of "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Cong., 2d sess. (see explanation, par. 7, "Compilers' Notes," p. III).]

Agency and item	Fiscal year 1987—99th Cong., 2d sess. 100th Cong., 1st sess.	Fiscal year 1988—100th Cong., 1st sess.	Increase (+) or decrease (−), 1988 compared with 1987
Department of Transportation—Continued:			
Regular annual, supplemental and continuing acts—Continued:			
Office of the Inspector General	$27,200,000	$27,898,000	+$698,000
Maritime Administration	67,500,000	76,463,000	+8,963,000
Total, regular annual, supplemental and continuing acts *(net)*	10,021,548,283	10,129,570,000	+108,021,717
Legislative acts:			
Federal funds [1]	[1] −12,000,000		+12,000,000
Trust funds [1]	[1] 64,000,000	[1] 12,671,000,000	+12,607,000,000
Permanent appropriations:			
Federal funds	588,199,000	60,837,000	−527,362,000
(Authority to borrow)	*(582,899,000)*	*(55,537,000)*	*(−527,362,000)*
Trust funds	6,125,162,000	13,448,836,000	+7,323,674,000
(Contract authority)	*(6,119,700,000)*	*(13,447,000,000)*	*(+7,327,300,000)*
Total, Department of Transportation *(net)*	16,786,909,283	36,310,243,000	+19,523,333,717
Department of the Treasury:			
Regular annual, supplemental and continuing acts	6,623,405,000	7,407,752,000	+784,347,000
Legislative acts: Federal funds [1]	[1] 61,000,000	[1] 1,000,000	−60,000,000
Private appropriation acts	88,525	[4]	−88,525
Permanent appropriations:			
Federal funds	190,688,167,000	196,902,622,000	+6,214,455,000
Trust funds	8,588,000	8,132,000	−456,000
Total, Department of the Treasury	197,381,248,525	204,319,506,000	+6,938,257,475
Veterans Administration:			
Regular annual, supplemental and continuing acts	26,570,063,000	27,024,784,000	+454,781,000
Legislative acts: Federal funds [1]		[1] −53,000,000	−53,000,000
Permanent appropriations: Trust funds	1,645,080,000	1,607,480,000	−37,600,000
Total, Veterans Administration	28,215,083,000	28,579,264,000	+364,181,000
Grand Total:			
Regular annual, supplemental and continuing acts	573,297,076,470	591,419,982,241	+18,122,905,771
Rescissions	−12,924,441,000	−4,072,371,067	+8,852,069,933
Appropriated in fiscal 1985 and fiscal 1986 for fiscal year 1987	[3] *(11,693,754,000)*		*(−11,693,754,000)*
Appropriated in fiscal 1986 and fiscal 1987 for fiscal year 1988		[3] *(13,066,265,000)*	*(+13,066,265,000)*
Private appropriation acts	88,525	[4]	−88,525
Legislative acts:			
Federal funds [1]	[1] 1,642,000,000	[1] −2,107,000,000	−3,749,000,000
Trust funds [1]	[1] 1,654,000,000	[1] 14,482,000,000	+12,828,000,000
Permanent appropriations:			
Federal Funds	248,942,596,000	253,107,398,000	+4,164,802,000
(Authority to borrow)	*(10,653,421,000)*	*(5,392,846,000)*	*(−5,260,575,000)*
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
Trust funds	448,922,969,000	504,241,158,000	+55,318,189,000
(Contract authority)	*(15,445,700,000)*	*(22,584,000,000)*	*(+7,138,300,000)*
Net total	1,261,534,288,995	1,357,071,167,174	+95,536,878,179
Less:			
Adjustments for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes", p. IV)	−185,273,390,000	−209,337,833,000	−24,064,443,000
Appropriated in fiscal 1985 and fiscal 1986 for fiscal year 1987	[3] *(−11,693,754,000)*		*(+11,693,754,000)*
Appropriated in fiscal 1986 and fiscal 1987 for fiscal year 1988		[3] *(−13,066,265,000)*	*(−13,066,265,000)*
Net total	1,076,260,898,995	1,147,733,334,174	+71,472,435,179

[1] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within those exceptions.

[2] Excludes $15,967,848,000 for the Commodity Credit Corporation shown in President's budget as "permanent Federal funds" but reflected in this document as part of a "direct appropriation" of $21,133,658,000 (see pp. 447 and 2490, this volume).

[3] Included under "Permanent appropriations, Federal funds".

[4] There were twelve private relief acts approved during the 100th Cong., 1st sess.; however, there was no new budget (obligational) authority provided in any of those acts.

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS		*1987*		*1987*	
Departments of Commerce, Justice, and State, the Judiciary, and related agencies [1]					
Department of Commerce	$2,093,254,000	June 24 (100–182)	$2,489,570,000	July 1	$2,489,970,000
Rescission					
Department of Justice	5,321,180,000	do	5,248,750,000	do	5,248,750,000
Department of State	3,287,880,000	do	2,580,579,000	do	2,580,579,000
The Judiciary	1,453,178,000	do	1,371,210,000	do	1,371,210,000
Related agencies	2,551,984,000	do	2,474,451,000	do	2,474,442,000
(Appropriations to liquidate contract authorizations)	*(250,300,000)*	do	*(250,300,000)*	do	*(250,300,000)*
General provisions				do	268,450,000
Total *(net)*	14,707,476,000		14,164,560,000		13,896,501,000
Department of Defense [2]					
Military personnel	76,299,200,000	Oct. 28 (100–410)	75,297,165,000		
Operation and maintenance	86,032,694,000	do	80,675,318,000		
Procurement	83,886,671,000	do	73,923,483,000		
Research, development, test, and evaluation	43,718,937,000	do	35,647,374,000		
Revolving and management funds	1,201,214,000	do	881,214,000		
Chemical agents and munitions destruction, Defense	87,400,000	do	198,500,000		
Related agencies	158,972,000	do	157,200,000		
General provisions		do			
Rescission		do	*(3,902,743,000)*		
(Transfer authority)	*(1,500,000,000)*	do	*(1,500,000,000)*		
Total *(net)*	291,385,088,000		266,780,254,000		
District of Columbia [3]					
Federal funds to the District of Columbia	507,070,000	June 18 (100–172)	555,118,000	June 26	555,118,000
Rescission					
Advance appropriation, fiscal year 1989					
(District of Columbia funds, fiscal year 1988)	*(3,070,183,000)*	do	*(3,070,183,000)*	do	*(3,070,183,000)*
(District of Columbia funds, fiscal year 1987 supplemental) (net)					
Total *(net)*	507,070,000		555,118,000		555,118,000
Energy and water development [4]					
Department of Defense—Civil	3,262,200,000	June 17 (100–162)	3,247,808,000	June 24	3,247,808,000
Department of the Interior	949,113,000	do	972,689,000	do	972,689,000
Department of Energy	12,949,999,000	do	11,504,610,000	do	11,504,610,000
Independent agencies	501,485,000	do	424,891,000	do	424,891,000
Total	17,662,797,000		16,149,998,000		16,149,998,000
Foreign operations, export financing, and related programs [5]					
Multilateral Economic Assistance	2,012,696,412	Aug. 6 (100–283)	1,436,519,304		
Bilateral Economic Assistance	6,377,655,000	do	5,822,626,270		
Military Assistance	6,489,261,000	do	5,223,333,830		
Export Assistance	1,020,000,000	do	715,000,000		
General provisions					
Total	15,899,612,412		13,197,479,404		

See footnotes at end of table, pp. 2380–2381.

SUPPLEMENTAL APPROPRIATION BILLS, 100TH CONG., 1ST SESS.

2d sess., differs to some extent from previous tabulations (See explanation, par. 7, "Compilers' Notes", p. III.)

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1987		*1987*		*1987*			
$2,093,254,000	Sept. 25 (100-182)	$2,536,333,933	Oct. 15	$2,537,875,000		$2,410,489,000		
			do	1,541,067		1,541,067		
5,321,180,000	do	5,303,943,000	do	5,303,943,000		5,025,504,000		
3,388,807,000	do	2,519,126,000	do	2,457,726,000		2,688,465,000		
1,460,678,000	do	1,405,108,000	do	1,405,108,000		1,329,934,000	H.R. 2763	(3)
2,551,984,000	do	2,510,612,000	do	2,525,703,000		2,452,145,000		
(250,300,000)	do	*(250,300,000)*	do	*(250,300,000)*		*(250,300,000)*		
14,815,903,000		14,275,122,933		14,228,813,933		13,904,395,933		
76,299,200,000	Dec. 4 (100-235)	75,448,414,000				75,270,179,000		
86,064,694,000	do	80,684,634,000				80,337,490,000		
83,886,671,000	do	83,194,015,000				84,195,392,000		
43,676,637,000	do	36,704,513,000				37,067,316,000		
1,291,214,000	do	881,214,000				881,214,000		
							H.R. 3576	(4)
87,400,000	do	198,500,000				198,500,000	S. 1923	
158,972,000	do	158,314,000				157,757,000		
2,513,120,000	do	775,000,000				875,000,000		
	do	3,548,140,000				3,531,030,000		
(1,500,881,000)	do	*(1,100,000,000)*				*(1,500,000,000)*		
293,887,908,000		278,041,604,000				275,451,818,000		
507,070,000	Sept. 17 (100-162)	574,618,000	Sept. 30	564,618,000		550,000,000		
	do	20,000,000	do	20,000,000		20,000,000		
	do	20,000,000	do	20,000,000		20,000,000		
(1,070,181,000)	do	*(1,089,883,000)*	do	*(1,079,883,000)*		*(1,077,347,000)*	H.R. 2713	(5)
(71,821,000)	do	*(71,821,000)*	do	*(71,821,000)*		*(76,667,000)*		
507,070,000		574,618,000		564,618,000		550,000,000		
3,262,200,000	Sept. 16 (100-159)	3,236,916,000	Nov. 18	3,236,916,000		3,247,108,000		
949,113,000	do	955,779,000	do	954,779,000		956,305,000		
12,949,999,000	do	11,302,026,000	do	11,302,026,000		11,002,494,000	H.R. 2700	(6)
501,485,000	do	425,191,000	do	425,191,000		407,691,000		
17,662,797,000		15,919,912,000		15,918,912,000		15,613,598,000		
2,012,696,412	Dec. 4 (100-236)	1,382,090,967				1,450,219,471		
6,377,655,000	do	6,043,574,270				6,084,688,270		
5,957,261,000	do	4,926,839,000				5,360,839,000	H.R. 3186	(7)
1,020,000,000	do	715,000,000				715,000,000	S. 1924	
						12,000,000		
15,367,612,412		13,067,504,237				13,598,746,741		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS—Con.		*1987*		*1987*	
Department of Housing and Urban Development—Independent agencies [6]					
Department of Housing and Urban Development	$8,285,462,313	June 25 (100-189)	$13,437,091,000	Sept. 22	$13,604,091,000
Rescission of contract authority *(indefinite)*	−399,300,000	do	−256,700,000	do	−256,700,000
Independent agencies	43,764,238,000	do	44,757,865,000	do	44,590,865,000
Corporations *(limitations on administrative expenses)*	*(31,805,000)*	do	*(32,105,000)*	do	*(32,105,000)*
Total *(net)*	51,649,800,313		57,938,256,000		57,938,256,000
Department of the Interior and related agencies [7]					
Department of the Interior	3,875,994,000	June 18 (100-171)	4,344,243,000	June 25	4,345,243,000
Rescission		do	−30,000,000	do	−30,000,000
(Appropriations to liquidate contract authorizations)		do	*(31,000,000)*	do	*(31,000,000)*
Related agencies	4,019,846,000	do	5,126,591,000	do	5,126,591,000
Rescission					
Total *(net)*	7,895,840,000		9,440,834,000		9,441,834,000
Departments of Labor, Health and Human Services, and Education, and related agencies [8]					
Department of Labor	5,475,022,000	July 30 (100-256)	5,959,806,000	Aug. 5	5,959,806,000
Department of Health and Human Services	177,930,247,000	do	99,188,886,000	do	99,188,886,000
Department of Education	13,983,555,000	do	20,636,613,000	do	20,636,613,000
Related agencies	791,054,000	do	995,093,000	do	991,783,000
Total	198,179,878,000		126,780,398,000		126,777,088,000
Legislative branch [9]					
Congressional operations	964,883,000	June 18 (100-173)	880,572,500	June 29	868,347,500
Other agencies	628,042,000	do	561,505,000	do	561,310,000
Total	1,592,925,000		1,442,077,500		1,429,657,500
Military construction [10]	9,851,957,000	July 9 (100-209)	8,235,200,000	July 14	8,235,200,000
Rescission		do	−156,200,000	do	−156,200,000
Total *(net)*	9,851,957,000		8,079,000,000		8,079,000,000
Rural development, agriculture, and related agencies [11]					
Agricultural programs	23,755,704,000	Oct. 20 (100-386)	23,750,606,000		
Rural development programs	10,117,078,000	do	9,699,788,000		
Domestic food programs	15,940,501,000	do	15,832,057,000		
International programs	1,054,061,000	do	1,057,948,000		
Related agencies	491,434,000	do	510,379,000		
Total	51,358,778,000		50,850,778,000		
Department of Transportation and related agencies [12]					
Department of Transportation	7,895,400,000	July 7 (100-202)	10,513,194,500	July 13	10,543,194,500
(Appropriations to liquidate contract authorizations)	*(15,652,900,000)*	do	*(15,738,000,000)*	do	*(15,738,000,000)*
Related agencies	603,092,569	do	591,228,569	do	592,588,569
General provisions				do	−214,321,661
Total	8,498,492,569		11,104,423,069		10,921,461,408

See footnotes at end of table, pp. 2380–2381

SUPPLEMENTAL APPROPRIATION BILLS, 100TH CONG., 1ST SESS.—Continued

2d sess., differs to some extent from previous tabulations (See explanation, par. 7, "Compilers' Notes", p. III)]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1987		*1987*		*1987*			
$8,284,072,313	Oct. 6 (100-192)	$13,282,859,000	Oct. 15	$13,346,349,000		$13,460,112,000		
−399,800,000	do	−256,700,000	do	−256,700,000		−256,700,000		
43,712,057,000	do	44,083,811,000	do	44,126,810,000		43,361,134,000	H.R. 2783	(6)
(31,623,000)	do	*(31,923,000)*	do	*(31,923,000)*		*(31,923,000)*		
51,596,329,313		57,109,970,000		57,216,459,000		56,564,546,000		
3,875,994,000	Sept. 22 (100-165)	4,418,222,000	Sept. 30	4,420,573,000		4,393,220,000		
	do	−30,000,000	do	−30,000,000		−31,900,000		
	do	*(31,000,000)*	do	*(31,000,000)*		*(31,000,000)*	H.R. 2712	(7)
4,756,824,000	do	5,689,181,000	do	5,704,181,000		5,540,886,000		
		−75,000,000		−75,000,000		−75,000,000		
8,632,818,000		10,002,403,000		10,019,754,000		9,827,216,000		
5,801,022,000	Oct. 1 (100-189)	6,474,737,000	Oct. 14	6,470,837,000		6,272,006,000		
81,390,689,000	do	86,869,641,000	do	100,630,641,000		100,812,115,000		
13,985,555,000	do	21,265,637,000	do	21,266,939,000		20,178,460,000	H.R. 3058	(8)
655,954,000	do	787,912,000	do	1,035,912,000		982,800,000		
101,833,220,000		115,397,927,000		129,404,329,000		128,245,381,000		
1,349,999,800	Sept. 16 (100-158)	1,232,708,300	Sept. 30	1,234,555,300		1,195,253,500		
628,042,000	do	568,399,000	do	568,399,000		550,248,000	H.R. 2714	(9)
1,978,041,800		1,801,107,300		1,802,954,300		1,745,501,500		
9,851,957,000	Oct. 16 (100-200)	8,427,598,000	Oct. 27	8,436,898,000		8,435,200,000		
	do	−156,200,000	do	−156,200,000		−156,200,000	H.R. 2906	(10)
9,851,957,000		8,271,398,000		8,280,698,000		8,279,000,000		
23,746,940,000	Oct. 20 (100-203)	24,075,684,000				23,871,233,000		
10,110,965,000	do	10,655,203,000				10,365,112,000		
15,939,828,000	do	16,555,770,000				−16,450,370,000	H.R. 3520	(11)
1,053,855,000	do	1,167,688,000				1,158,408,000	S. 1800	
522,661,000	do	522,661,000				510,379,000		
51,374,249,000		52,977,006,000				52,355,502,000		
7,895,400,000	Oct. 9 (100-198)	10,514,553,000	Oct. 29	10,511,109,000		10,053,107,000		
(15,652,900,000)	do	*(15,788,000,000)*	do	*(15,788,000,000)*		*(15,780,400,000)*	H.R. 2890	(12)
603,092,569	do	589,890,569	do	594,703,569		569,948,000		
8,498,492,569		11,104,443,569		11,105,812,569		10,623,055,000		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
REGULAR ANNUAL APPROPRIATION ACTS—Con.		*1987*		*1987*	
Treasury, Postal Service, and general government [13]					
Department of the Treasury	$7,194,976,000	July 9 (100-211)	$7,442,976,000	July 15	$7,396,465,000
United States Postal Service	71,795,000	do	556,507,000	do	556,507,000
Executive Office of the President	107,727,000	do	107,899,000	do	107,899,000
Independent agencies	7,231,353,000	do	7,278,347,000	do	7,278,147,000
Total	14,605,851,000		15,385,729,000		15,339,018,000
Total, regular annual appropriation acts *(net)*	683,795,665,294		591,868,904,973		260,527,931,908
(Appropriations to liquidate contract authorizations)	*(15,903,200,000)*		*(16,019,300,000)*		*(16,019,300,000)*
SUPPLEMENTAL APPROPRIATION ACTS					
Emergency Food and Shelter Program, 1987		Jan. 22 (100-4)		Jan. 27	
Supplemental Appropriations Act, 1987					
Appropriations	12,448,238,662	Mar. 25 (100-28)	11,342,701,666	Apr. 24	9,250,928,500
Rescissions					
Total *(net)*	12,448,238,662		11,342,701,666		9,250,928,500
Total, supplemental appropriation acts *(net)*	12,448,238,662		11,342,701,666		9,250,928,500
CONTINUING APPROPRIATIONS					
Continuing Appropriations, 1988		Sept. 17 (100-306)		Sept. 23	
Further Continuing Appropriations, 1988		Oct. 29 (100-414)		Nov. 5	
Second Further Continuing Appropriations, 1988				Dec. 16	
Third Further Continuing Appropriations, 1988				Dec. 20	
Fourth Further Continuing Appropriations, 1988:					
Departments of Commerce, Justice, and State, the Judiciary, and related agencies *(net)* [14]	*(14,707,476,000)*	Oct. 29 (100-415)	*(13,896,501,000)*	Dec. 3	*(13,896,501,000)*
Department of Defense *(net)* [14]	*(291,385,088,000)*	do	*(266,780,254,000)*	do	*(266,780,254,000)*
District of Columbia *(net)* [14]	*(507,070,000)*	do	*(555,118,000)*	do	*(555,118,000)*
(District of Columbia funds, fiscal year 1988) [14]	*(3,070,183,000)*	do	*(3,070,183,000)*	do	*(3,070,183,000)*
(District of Columbia funds, fiscal year 1987 supplemental) *(net)* [14]					
Energy and water development [14]	*(17,662,787,000)*	do	*(16,149,998,000)*	do	*(16,149,998,000)*
Foreign operations, export financing, and related programs [14]	*(15,889,612,412)*	do	*(13,197,479,404)*	do	*(13,197,479,404)*
Department of Housing and Urban Development—Independent agencies *(net)* [14]	*(57,649,900,313)*	do	*(57,938,256,000)*	do	*(57,938,256,000)*
Department of the Interior and related agencies *(net)* [14]	*(7,895,840,000)*	do	*(9,441,834,000)*	do	*(9,441,834,000)*
Departments of Labor, Health and Human Services, and Education, and related agencies [14]	*(198,179,878,000)*	do	*(126,777,088,000)*	do	*(126,777,088,000)*
Legislative branch [14]	*(1,592,925,000)*	do	*(1,429,657,500)*	do	*(1,429,657,500)*
Military construction *(net)* [14]	*(9,851,957,000)*	do	*(8,079,000,000)*	do	*(8,079,000,000)*
Rural development, agriculture, and related agencies [14]	*(51,358,778,000)*	do	*(50,850,778,000)*	do	*(50,850,778,000)*
Department of Transportation and related agencies [14]	*(8,498,492,569)*	do	*(10,921,461,408)*	do	*(10,921,461,408)*
Treasury, Postal Service, and general government [14]	*(14,605,851,000)*	do	*(15,339,018,000)*	do	*(15,339,018,000)*
Department of Labor	326,000,000	do	536,000,000	do	536,000,000
Department of Health and Human Services	2,007,957,000	do	2,461,591,000	do	2,461,591,000
Department of the Treasury	46,511,000	do	42,930,000	do	42,930,000

See footnotes at end of table, pp. 2380-2381.

SUPPLEMENTAL APPROPRIATION BILLS, 100TH CONG., 1ST SESS.—Continued

2d sess., differs to some extent from previous tabulations (See explanation, par. 7, "Compilers' Notes", p. III).]

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1987		*1987*		*1987*			
$7,194,976,000	Sept. 17 (100-160)	$7,311,586,000	Sept. 25	$7,311,586,000		$7,397,872,000		
71,795,000	do	517,000,000	do	517,000,000		517,001,000		
107,727,000	do	107,300,000	do	107,300,000		108,150,000	H.R. 2907	(15)
7,231,353,000	do	7,120,364,000	do	7,120,364,000		7,092,676,000		
14,605,851,000		15,056,250,000		15,056,250,000		15,115,699,000		
590,612,249,094		593,602,266,039		263,598,600,802		601,875,059,174		
(15,903,200,000)		*(16,069,300,000)*		*(16,069,300,000)*		*(16,061,700,000)*		
	Jan. 29 (100-5)	—7,475,000	Jan. 29	—7,475,000	Feb. 12	—7,475,000	H.J. Res. 102	100-6
12,004,054,862	May 1 (100-48)	10,135,426,569	June 2	10,467,426,569	July 11	9,970,332,976		
	do	—701,948,000	do	—593,213,000	do	—593,213,000	H.R. 1827	100-71
12,004,054,862		9,433,478,569		9,874,213,569		9,377,119,976		
12,004,054,862		9,426,003,569		9,866,738,569		9,369,644,976		
			Sept. 25		Sept. 30		H.J. Res. 362	100-120
			Nov. 6		Nov. 10		H.J. Res. 394	100-162
			Dec. 16		Dec. 16		H.J. Res. 425	100-193
			Dec. 20		Dec. 20		H.J. Res. 431	100-197
(14,815,903,000)	Dec. 8 (100-238)	*(14,225,813,933)*	Dec. 12	*(14,228,813,933)*	Dec. 22	*(13,904,995,933)*		
(293,887,908,000)	do	*(278,044,604,000)*	do	*(278,044,604,000)*	do	*(275,451,818,000)*		
(507,070,000)	do	*(564,618,000)*	do	*(564,618,000)*	do	*(550,000,000)*		
(3,070,183,000)	do	*(3,079,683,000)*	do	*(3,079,683,000)*	do	*(3,077,347,000)*		
(71,821,000)	do	*(71,821,000)*	do	*(71,821,000)*	do	*(76,667,000)*		
(17,662,797,000)	do	*(15,918,912,000)*	do	*(15,918,912,000)*	do	*(15,613,598,000)*		
(15,367,612,412)	do	*(13,067,504,237)*	do	*(13,067,504,237)*	do	*(13,598,746,741)*		
(51,596,329,313)	do	*(57,216,459,000)*	do	*(57,216,459,000)*	do	*(56,564,546,000)*		
(8,632,818,000)	do	*(10,019,754,000)*	do	*(10,019,754,000)*	do	*(8,827,216,000)*		
(101,833,220,000)	do	*(129,404,329,000)*	do	*(129,404,329,000)*	do	*(128,245,381,000)*		
(1,978,041,800)	do	*(1,802,954,300)*	do	*(1,802,954,300)*	do	*(1,745,501,500)*		
(9,851,957,000)	do	*(8,280,698,000)*	do	*(8,280,698,000)*	do	*(8,279,000,000)*	H.J. Res. 395	100-202
(51,374,249,000)	do	*(52,977,006,000)*	do	*(52,977,006,000)*	do	*(52,355,502,000)*		
(8,498,492,569)	do	*(11,105,812,569)*	do	*(11,105,812,569)*	do	*(10,623,055,000)*		
(14,605,851,000)	do	*(15,056,250,000)*	do	*(15,056,250,000)*	do	*(15,115,699,000)*		

V. CHRONOLOGICAL HISTORY OF REGULAR ANNUAL AND

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong.,

Department or establishment	Estimates considered by House	Reported to House		Passed House	
		Date and report No.	Amount	Date	Amount
CONTINUING APPROPRIATIONS—Continued		*1987*		*1987*	
Fourth Further Continuing Appropriations, 1988—Continued					
Executive Office of the President		do	$5,000,000	do	$5,000,000
United States Information Agency		do	500,000	do	500,000
Commission on the Bicentiennial of the Constitution		do	1,000,000	do	1,000,000
Department of Transportation		do	500,000	do	500,000
Assistance to the Nicaraguan Democratic Resistance *(by transfer)*					
Agricultural aid and trade missions					
Total, continuing appropriations *(net)*	$2,380,468,000		3,047,521,000		3,047,521,000
DEFERRALS[15]					
Emergency Food and Shelter program, 1987					
Deferral disapproval		Jan. 22 (100–4)		Jan. 27	
Supplemental Appropriations Act, 1987					
Deferral disapproval		Mar. 25 (100–28)	*(105,680,000)*	Apr. 24	*(83,471,000)*
New deferral approval				do	
RECAPITULATION					
Grand total:					
New budget *(obligational)* authority *(net)*	698,624,371,956		606,259,127,639		[16]272,826,381,408
Appropriations	(699,024,171,956)		(606,702,027,639)		(273,269,281,408)
Rescission of contract authority *(indefinite)*	(−399,800,000)		(−256,700,000)		(−256,700,000)
Rescissions			(−186,200,000)		(−186,200,000)
(Appropriations to liquidate contract authorizations)	*(15,903,200,000)*		*(16,019,300,000)*		*(16,019,300,000)*

[1] Funding for programs and activities normally included in this bill is provided under Sec. 101(a) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 91, this volume).

[2] Funding for programs and activities normally included in this bill is provided under Sec. 101(b) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 93, this volume).

[3] Funding for programs and activities normally included in this bill is provided under Sec. 101(c) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 95, this volume).

[4] Funding for programs and activities normally included in this bill is provided under Sec. 101(d) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 97, this volume).

[5] Funding for programs and activities normally included in this bill is provided under Sec. 101(e) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 99, this volume).

[6] Funding for programs and activities normally included in this bill is provided under Sec. 101(f) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 101, this volume).

[7] Funding for programs and activities normally included in this bill is provided under Sec. 101(g) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 103, this volume).

[8] Funding for programs and activities normally included in this bill is provided under Sec. 101(h) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 105, this volume).

[9] Funding for programs and activities normally included in this bill is provided under Sec. 101(i) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 109, this volume).

[10] Funding for programs and activities normally included in this bill is provided under Sec. 101(j) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 111, this volume).

SUPPLEMENTAL APPROPRIATION BILLS, 100TH CONG., 1ST SESS.—Continued

2d sess., differs to some extent from previous tabulations (See explanation, par. 7, "Compilers' Notes", p. III.)

Estimates considered by Senate	Reported to Senate		Passed Senate		Public Law		Bill No.	Law No.
	Date and report No.	Amount	Date	Amount	Date	Amount		
	1987		*1987*		*1987*			
			do	*($9,000,000)*	do	*($8,100,000)*		
					do	200,000		
						200,000		
	Jan. 29 (100-5)	*($28,559,000)*	Jan. 29	*($28,559,000)*	Feb. 12	*($28,559,000)*	H.J. Res. 102	100-6
	May 1 (100-48)	*(44,564,000)*	June 2	*(147,625,000)*	July 11	*(143,727,000)*	H.R. 1827	100-71
	do		do	*(71,500,000)*	do			
$602,616,303,956		603,028,269,608		[12]273,465,329,371		611,244,904,150		
(603,016,103,956)		(604,268,117,608)		(274,597,993,438)		(615,910,488,217)		
(−399,800,000)		(−256,700,000)		(−256,700,000)		(−256,700,000)		
		(−990,623,000)		(−883,429,067)		(−4,416,359,067)		
(15,903,200,000)		*(16,069,300,000)*		*(16,069,300,000)*		*(16,061,700,000)*		

[11] Funding for programs and activities normally included in this bill is provided under Sec. 101(k) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 113, this volume).

[12] Funding for programs and activities normally included in this bill is provided under Sec. 107(1) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 115, this volume).

[13] Funding for programs and activities normally included in this bill is provided under Sec. 101(m) of Public Law 100-202, Fourth Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 117, this volume).

[14] For informational purposes only. Amount included in net total for "regular annual appropriation acts" earlier in table.

[15] See pp. 559-566 and pp. 567-572 for status reports on rescissions and deferrals.

[16] Excludes amounts for three appropriation bills (Defense, Foreign Operations, Export Financing, and Rural Development, Agriculture), which did not pass the House except as part of the Continuing Resolution (Public Law 100-202).

[17] Excludes amounts for three appropriation bills (Defense, Foreign Operations, Export Financing, and Rural Development, Agriculture), which did not pass the Senate except as part of the Continuing Resolution (Public Law 100-202).

Note.—The President's Budget for 1988, submitted January 5, 1987 (H. Docs. 100-3 and 100-19), tentatively estimated total new budget (obligational) authority for fiscal year 1988 at $1,142.2 billion net ($1,351.5 billion gross, including $209.3 billion in intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget purposes only). An estimated $779.9 billion does not require action by Congress. This amount includes permanent appropriations such as interest on the public debt and various trust funds for which the obligational authority is already provided in the basic law. Virtually all of the remaining $567.6 billion (exclusive of reductions of $4.0 billion shown in the January budget under the category "to be requested separately") is for consideration at this session of Congress in the appropriation bills.

VI. COMPARISON OF BUDGET ESTIMATES AND LOAN AND BORROWING AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 100TH CONG., 1ST SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Loan and borrowing authorizations, fiscal year 1988 and prior years	Increase (+) or decrease (−), authorizations compared with estimates
REGULAR ANNUAL ACTS			
FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS			
MILITARY ASSISTANCE			
Foreign Military Credit Sales *(rescission of loan authority)*		[1] *(−$32,000,000)*	*(−$32,000,000)*
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Housing for the elderly or handicapped fund		556,176,000	+556,176,000
SUPPLEMENTAL ACTS			
SUPPLEMENTAL APPROPRIATIONS, 1987			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Housing for the elderly or handicapped fund	−$90,731,000		+90,731,000
Grand total, loan and borrowing authority	−90,731,000	556,176,000	+646,907,000

[1] Non-add item; reflects rescission of prior loan authority.

VIa. COMPARISON OF BUDGET ESTIMATES AND CONTRACT AUTHORIZATIONS CARRIED IN APPROPRIATION ACTS, 100TH CONG., 1ST SESS.

[NOTE.—For informational purposes only, to separately identify this *type* of new budget authority. The amounts are included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Contract authorizations, fiscal year 1988 and prior years	Increase (+) or decrease (−), contract authorizations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES			
HOUSING PROGRAMS			
Annual contributions for assisted housing	$3,994,889,313	$7,887,405,000	+$3,892,515,687
Rescission of assisted housing deobligations *(indefinite)*	*(−347,800,000)*	−204,700,000	[1] −204,700,000
Rental housing assistance *(rescission)*	*(−52,000,000)*	−52,000,000	[1] −52,000,000
Total, regular annual acts *(net)*	3,994,889,313	7,630,705,000	+3,635,815,687
SUPPLEMENTAL ACTS			
SUPPLEMENTAL APPROPRIATIONS, 1987			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Rent supplement *(rescission)*	*(−389,340,000)*	−389,340,000	[1] −389,340,000
Rental housing assistance *(rescission)*	*(−72,873,000)*	−72,873,000	[1] −72,873,000
DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
Land and water conservation fund *(rescission)*		−30,000,000	−30,000,000
Total, supplemental acts *(net)*		−492,213,000	−492,213,000
Grand total, contract authority *(net)*	3,994,889,313	7,138,492,000	+3,143,602,687

[1] Reflects actual rescission rather than comparison with request

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 100TH CONG., 1ST SESS.

[NOTE.—For informational purposes only, to separately identify the amounts appropriated. The amounts are *not* included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
REGULAR ANNUAL ACTS			
DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY, AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Operating-differential subsidies	$250,300,000	$250,300,000	
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES			
DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
Construction		31,000,000	+$31,000,000
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
COAST GUARD			
Boat safety	15,000,000	22,500,000	+7,500,000
FEDERAL AVIATION ADMINISTRATION			
Grants-in-aid for airports (*Airport and Airway Trust Fund*)	950,000,000	1,063,000,000	+113,000,000
FEDERAL HIGHWAY ADMINISTRATION			
Highway-related safety grants (*Highway Trust Fund*)	10,000,000	9,900,000	−100,000
Federal-aid highways (*Highway Trust Fund*)	13,400,000,000	13,400,000,000	
Motor carrier safety grants (*Highway Trust Fund*)	50,000,000	50,000,000	
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Highway traffic safety grants (*Highway Trust Fund*)	127,900,000	135,000,000	+7,100,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Formula transit grants	500,000,000		−500,000,000
Mass transit capital fund (*Highway Trust Fund*)	600,000,000	1,100,000,000	+500,000,000
Total, Department of Transportation and related agencies	15,652,900,000	15,780,400,000	+127,500,000
Total, regular annual acts (*net*)	15,903,200,000	16,061,700,000	+158,500,000

VIb. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS TO LIQUIDATE CONTRACT AUTHORIZATIONS, 100TH CONG., 1ST SESS.—Continued

[NOTE.—For informational purposes only, to separately identify the amounts appropriated. The amounts are not included in the *totals* of new budget (obligational) authority shown variously in other applicable tabulations.]

Appropriation act and item	Estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
SUPPLEMENTAL ACTS			
SUPPLEMENTAL APPROPRIATIONS, 1987			
DEPARTMENT OF AGRICULTURE			
FOREST SERVICE			
Highway construction: Mount St. Helens National Volcanic Monument	$9,915,000	$9,915,000	
DEPARTMENT OF TRANSPORTATION			
FEDERAL AVIATION ADMINISTRATION			
Grants-in-aid for airports (*Airport and Airway Trust Fund*)	42,000,000	160,000,000	+$118,000,000
FEDERAL HIGHWAY ADMINISTRATION			
Motor carrier safety grants (*Highway Trust Fund*)	35,000,000	35,000,000	
Total, Department of Transportation	77,000,000	195,000,000	+118,000,000
Total, supplemental acts	86,915,000	204,915,000	+118,000,000
Grand total, appropriations to liquidate contract authorizations	15,990,115,000	16,266,615,000	+276,500,000

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 1ST SESS. OF THE 100TH CONG.

Number of Public Law	Approval date	Title	Amount of Authorization
	1987	AGRICULTURE ACTS	
100-28	Apr. 24	To extend the date for submitting the report required by the National Commission on Dairy Policy.	
100-45	May 27	To provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987.	
100-100	Aug. 18	To amend the Farm Disaster Assistance Act of 1987, to extend the reporting date for the ethanol cost effectiveness study.	
100-108	Aug. 20	To provide continuing authority to the Secretary of Agriculture for recovering costs associated with cotton classing services.	
100-173	Nov. 23	To provide financial protection to poultry growers and sellers, and to clarify Federal jurisdiction under such Act.	[1] $400,000
100-233	Jan. 6, 1988	Agricultural Credit Act of 1987.	7,500,000
100-237	Jan. 8, 1988	Agricultural Distribution Reform Act.	[1] 3,000,000
		BUDGET/RECONCILIATION ACTS	
100-40	May 15	To provide for a temporary increase in the public debt limit.	
100-80	July 30	To provide for a temporary extension of the public debt limit until August 6, 1987.	
100-84	Aug. 10	To provide for a temporary increase in the public debt limit until September 23, 1987.	
100-119	Sept. 29	Increasing the statutory limit on the public debt.	
100-203	Dec. 22	Budget Reconciliation, Fiscal Year 1988.	2,234,509,000
		COMMERCE ACTS	
100-12	Mar. 17	Amending the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.	
100-72	July 11	To amend the Small Business Act and the Small Business Investment Act of 1958.	
100-86	Aug. 10	Federal Savings and Loan Insurance Corporation Recapitalization Act.	
100-151	Nov. 3	To reauthorize the Fishermen's Protective Act.	[1] 1,000,000
100-181	Dec. 4	To authorize appropriations to the Securities and Exchange Commission.	158,600,000
100-217	Dec. 29	Export-Import Bank Act Amendments.	
100-220	Dec. 29	Congressional Approval of the Governing International Fishery Agreement Between the United States and Japan.	47,100,000
		DEFENSE ACTS	
100-26	Apr. 21	Making technical corrections in certain defense-related laws.	
100-178	Dec. 2	To authorize appropriations for intelligence and intelligence-related activities in specified departments and agencies of the Government.	158,314,000
100-180	Dec. 4	To authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989.	218,318,800,000
100-213	Dec. 24	Arms Control and Disarmament Amendments Act of 1987.	29,000,000
100-224	Dec. 30	Technical corrections in provisions of law enacted by the Military Retirement Reform Act of 1986.	
		EDUCATION ACTS	
100-50	June 3	To make certain technical and conforming amendments in the Higher Education Act of 1965.	2,700,000
100-202	Dec. 22	To establish the Warren G. Magnuson Foundation and Margaret Chase Smith Foundation Assistance Act.	[2] 10,000,000
		ENERGY ACTS	
100-216	Dec. 29	To direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000.	
100-231	Jan. 5, 1988	Renewable Resources Extension Act Amendments of 1987.	15,000,000

See footnotes at end of table, p. 2391.

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 1ST SESS. OF THE 100TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1987	ENVIRONMENTAL ACTS	
100-4	Feb. 4	To provide for the renewal of the quality of the Nation's waters.	$2,750,270,000
100-38	May 13	Changing the name of the "Connecticut Coastal National Wildlife Refuge" to the "Stewart B. McKinney National Wildlife Refuge".	[3]
100-196	Dec. 18	To amend the Reclamation Authorization Act of 1976.	[1] 20,600,000
		FOREIGN OPERATIONS ACTS	
100-202	Dec. 22	To authorize appropriations for International Financial Institutions.	[4] 4,400,667,000
100-204	Dec. 22	Department of State Authorizations.	
		GENERAL GOVERNMENT ACTS	
100-20	Apr. 7	To make technical corrections relating to the Federal Employees' Retirement System.	
100-43	May 22	To provide for procedures for the investment and payment of interest of funds in the Thrifts Savings Fund when restrictions on such investments and payments are caused by the statutory public debt limit.	
100-90	Aug. 18	United States Postal Service procedural and appeal rights.	
100-94	Aug. 18	To amend the Christopher Columbus Quincentenary Jubilee Act.	20,000
100-113	Aug. 21	To complete the Federal Triangle in the District of Columbia.	3,700,000
		HOUSING ACTS	
100-77	July 22	To provide urgently needed assistance for the homeless.	658,500,000
100-122	Sept. 30	To provide for the extension of certain programs relating to housing and community development.	
100-154	Nov. 5	To provide for the extension of certain programs relating to housing and community development.	
100-170	Nov. 17	To provide for the extension of certain programs relating to housing and community development.	
100-179	Dec. 3	To provide for the temporary extension of certain programs relating to housing and community development.	
100-200	Dec. 21	To provide for the temporary extension of certain programs relating to housing and community development.	
100-242	Feb. 5, 1988	To amend and extend certain laws relating to housing, and for other purposes.	[5] 12,810,410,000
		INTERIOR ACTS	
100-33	May 7	To designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system.	200,000
100-34	May 7	To permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation.	
100-42	May 21	To repeal and amend certain sections of the Power Plant and Industrial Fuel Use Act of 1978.	
100-63	June 30	To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.	
100-91	Aug. 18	To require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units.	[1] 4,800,000
100-149	Nov. 2	Designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers system.	235,000
100-150	Nov. 3	To designate a segment of the Kings River in California as a wild and scenic river.	250,000
100-153	Nov. 5	To make miscellaneous technical and minor amendments to laws relating to Indians.	
100-192	Dec. 16	To designate the Trail of Tears as a National Historic Trail.	[1] 150,000
100-201	Dec. 22	To authorize the acceptance of land for addition to Big Bend National Park, Texas.	
100-205	Dec. 23	Stones River National Battlefield, Tennessee.	1,000,000
100-206	Dec. 23	Jimmy Carter National Historic Site and Preservation District, Georgia.	[1] 4,000,000
100-211	Dec. 24	To authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park.	30,000,000
100-225	Dec. 31	To establish the El Malpais National Monument, the Nassau Trail, and the Grants National Conservation Area, New Mexico.	16,500,000
100-226	Dec. 31	Additional Funding for the San Francisco Bay National Wildlife Refuge.	[1] 2,000,000

See footnotes at end of table, p. 2391.

VII. AUTHORIZATIONS FOR APPROPRIATIONS, PUBLIC DEBT TRANSACTIONS, AND CONTRACT AUTHORIZATIONS APPROVED DURING THE 1ST SESS. OF THE 100TH CONG.—Continued

Number of Public Law	Approval date	Title	Amount of Authorization
	1987	INTERIOR ACTS—Continued	
100-240	Jan. 11, 1988	To amend the National Fish and Wildlife Federation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.	$5,000,000
		JUDICIAL ACT	
100-53	June 18	To provide enhanced retirement credit for United States magistrates.	.....
		LABOR, HEALTH AND HUMAN SERVICES ACTS	
100-93	Aug. 18	Medicare and Medicaid Patient and Program Protection Act of 1987.	.....
100-97	Aug. 18	To provide grants to support excellence in minority health professions education.	10,000,000
100-117	Sept. 28	To extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuse and neglect assistance.	.....
100-140	Oct. 26	To provide for the extension of physicians comparability allowances and to provide for special pay for psychologists in the commissioned corps of the Public Health Service.	.....
100-146	Oct. 29	To revise and extend the Developmental Disabilities Assistance and Bill of Rights Act.	99,750,000
100-175	Nov. 29	To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1988, 1989, 1990, and 1991.	1,584,836,000
100-177	Dec. 1	Public Health Service Amendments of 1987.	274,000,000
		LEGISLATIVE BRANCH ACTS	
100-18	Apr. 3	To extend the duration of the Office of Classified National Security Information within the Office of the Secretary of the Senate.	.....
100-83	Aug. 4	To create the Office of Librarian of Congress Emeritus.	.....
100-123	Oct. 5	Relating to the payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate.	.....
100-135	Oct. 16	To change the title of employees designated by the Librarian of Congress for police duty and to make the rank structure and pay for such employees the same as the rank structure and pay for the U.S. Capitol Police.	[1] 100,000
100-137	Oct. 21	Combining the Senators' Clerk Hire Allowance Account and the Senators' Official Office Expense Account.	.....
100-158	Nov. 9	To establish the Speaker's Civic Awards Program.	.....
		SCIENCE ACT	
100-147	Oct. 30	To authorize appropriations to the National Aeronautics and Space Administration.	9,578,348,000
		TRANSPORTATION ACTS	
100-17	Apr. 2	To authorize funds for construction of highways for highway safety programs, and for mass transportation programs, and to expand and improve the relocation assistance program.	2,411,000,000
100-148	Oct. 30	To extend the Aviation Insurance Program for 5 years.	.....
100-223	Dec. 30	Airport and Airway Improvement Amendments of 1987.	1,608,005,000
		TREASURY ACTS	
100-210	Dec. 24	Special Gold Medal for Mary Lasker.	20,000
100-238	Jan. 8, 1988	Technical corrections to the Civil Service Retirement System and the Federal Employee Retirement System.	.....
		VETERANS ACTS	
100-48	June 1	To make permanent the new GI bill educational assistance program established by chapter 30.	.....
100-136	Oct. 16	Improving Veterans' housing programs.	.....
100-198	Dec. 21	To increase the maximum Veterans' Administration home loan guaranty, reduce Veterans' Administration-guaranteed loan defaults and foreclosures, and make other improvements in the Veterans' Administration home loan program.	[1] 9,000,000
100-227	Dec. 31	Veterans' Compensation Amendments of 1987.	.....

[1] Indefinite amount.
[2] See p. 547, this volume.
[3] Indefinite amount not estimated.
[4] See p. 256, this volume.
[5] Includes an indefinite amount of $579,710,000.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations. (See explanation, par. 7, "Compilers' Notes", p. III).]

EMERGENCY APPROPRIATIONS FOR THE FOOD AND SHELTER PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, 1987, PUBLIC LAW 100-6, APPROVED FEBRUARY 12, 1987

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL EMERGENCY MANAGEMENT AGENCY				
Disaster Relief *(rescission)*			−$7,475,000	−$7,475,000
Emergency Food and Shelter Program *(by transfer)*			*(50,000,000)*	*(+50,000,000)*
DEPARTMENT OF AGRICULTURE				
FOOD AND NUTRITION SERVICE				
Temporary Emergency Food Assistance Program *(disapproval of deferral D87-33)*	100-25		*(28,559,000)*	*(+28,559,000)*
Grand total:				
New budget *(obligational)* authority *(rescission)*			−7,475,000	−7,475,000
(By transfer)			*(50,000,000)*	*(+50,000,000)*
(Disapproval of Deferral)			*(28,559,000)*	*(+28,559,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987

TITLE I—PROGRAM SUPPLEMENTALS

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—PROGRAM SUPPLEMENTALS				
CHAPTER I				
DEPARTMENT OF COMMERCE				
GENERAL ADMINISTRATION				
Grants and loans administration *(by transfer)*	100-17	*($38,520,000)*		*(−$38,520,000)*
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Federal ship financing fund, fishing vessels *(limitation on guaranteed loans)*	100-17	*(50,000,000)*		*(−50,000,000)*
DEPARTMENT OF JUSTICE				
GENERAL ADMINISTRATION				
Salaries and expenses	100-17	11,212,000	$7,600,000	−3,612,000
LEGAL ACTIVITIES				
Salaries and expenses, general legal activities	100-17	7,786,000	8,100,000	+314,000
Salaries and expenses, Antitrust Division	100-17	299,000	200,000	−99,000
Salaries and expenses, United States Attorneys	100-17	887,000		−887,000
Salaries and expenses, United States Marshals Service	100-17	405,000		−405,000
Support of United States Prisoners	100-17	9,630,000	9,630,000	
Salaries and expenses, Community Relations Service	100-17	41,000		−41,000
United States Trustee System Fund	100-17	16,436,000	12,000,000	−4,436,000
Total, Legal Activities		35,484,000	29,930,000	−5,554,000
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses	100-17	3,989,000	3,989,000	
Reappropriation	100-17	*(5,686,000)*		*(−5,686,000)*
DRUG ENFORCEMENT ADMINISTRATION				
Salaries and expenses	100-17	776,000	776,000	
IMMIGRATION AND NATURALIZATION SERVICE				
Salaries and expenses	100-17	147,793,000	137,216,000	−10,577,000
FEDERAL PRISON SYSTEM				
Salaries and expenses	100-17	548,000		−548,000
National Institute of Corrections	100-17	15,000		−15,000
Total, Federal Prison System		563,000		−563,000
OFFICE OF JUSTICE PROGRAMS				
Justice Assistance	100-17	27,000		−27,000
Total, Department of Justice		199,844,000	179,511,000	−20,333,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses	100-17	$59,750,000	$61,750,000	+$2,000,000
Acquisition and maintenance of buildings abroad	100-17	12,000,000	9,480,000	−2,520,000
Total, Administration of Foreign Affairs		71,750,000	71,230,000	−520,000
INTERNATIONAL ORGANIZATIONS AND CONFERENCES				
Contributions for international peacekeeping activities	100-17	21,600,000		−21,600,000
Contributions to International Organizations			268,831	+268,831
Total, International Organizations and Conferences		21,600,000	268,831	−21,331,169
INTERNATIONAL COMMISSIONS				
American sections, international commissions	100-17	600,000	474,000	−126,000
OTHER				
United States Bilateral Science and Technology Agreements	100-17	2,000,000		−2,000,000
Total, Department of State		95,950,000	71,972,831	−23,977,169
THE JUDICIARY				
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Salaries and expenses	100-17 100-44	45,645,000	37,800,000	−7,845,000
Defender services	100-17	2,500,000		−2,500,000
Planning, design, and construction of court facilities	100-17	18,000,000		−18,000,000
Total, Courts of Appeals, District Courts, and other Judicial Services		66,145,000	37,800,000	−28,345,000
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS				
Salaries and expenses	100-17	192,000	100,000	−92,000
FEDERAL JUDICIAL CENTER				
Salaries and expenses	100-17	1,108,000	1,000,000	−108,000
Total, The Judiciary		67,445,000	38,900,000	−28,545,000
RELATED AGENCIES				
DEPARTMENT OF TRANSPORTATION				
MARITIME ADMINISTRATION				
Federal ship financing fund	100-17	1,448,000,000	1,375,000,000	−73,000,000
Portion applied to debt reduction	100-17	−1,375,000,000	−1,375,000,000	
Total, Department of Transportation		73,000,000		−73,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
BOARD FOR INTERNATIONAL BROADCASTING				
Grants and expenses	100-17 100-44	$33,195,000	$33,195,000	.....
COMMISSION ON CIVIL RIGHTS				
Salaries and expenses	100-17	375,000	.....	−$375,000
COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT				
Salaries and expenses		.....	217,000	+217,000
DWIGHT DAVID EISENHOWER CENTENNIAL COMMISSION				
Expenses		.....	50,000	+50,000
SMALL BUSINESS ADMINISTRATION				
Salaries and expenses *(by transfer)*		.....	*(10,000,000)*	*(+10,000,000)*
Reappropriation	100-17	*(4,116,000)*	.....	*(−4,116,000)*
UNITED STATES INFORMATION AGENCY				
Salaries and expenses	100-17	8,098,176	8,098,176	.....
Radio broadcasting to Cuba	100-17	993,000	993,000	.....
Total, United States Information Agency		9,091,176	9,091,176	.....
Total, Chapter I:				
New budget *(obligational)* authority		478,900,176	332,937,007	−145,963,169
Appropriations		(1,853,900,176)	(1,707,937,007)	(−145,963,169)
Appropriations for debt reduction		(−1,375,000,000)	(−1,375,000,000)	.....
(By transfer)		*(38,520,000)*	*(10,000,000)*	*(−28,520,000)*
(Limitation on guaranteed loans)		*(50,000,000)*	.....	*(−50,000,000)*
CHAPTER II				
DEPARTMENT OF DEFENSE—MILITARY				
MILITARY PERSONNEL				
Military Personnel, Army	100-17	187,089,000	.....	−187,089,000
Military Personnel, Navy	100-17	62,953,000	.....	−62,953,000
Military Personnel, Marine Corps	100-17	39,820,000	.....	−39,820,000
Military Personnel, Air Force	100-17	140,273,000	.....	−140,273,000
Reserve Personnel, Army	100-17	2,915,000	.....	−2,915,000
Reserve Personnel, Navy	100-17	2,128,000	.....	−2,128,000
Reserve Personnel, Marine Corps	100-17	360,000	.....	−360,000
Reserve Personnel, Air Force	100-17	701,000	.....	−701,000
National Guard Personnel, Army	100-17	4,326,000	.....	−4,326,000
National Guard Personnel, Air Force	100-17	1,335,000	.....	−1,335,000
Total, Military Personnel		441,900,000	.....	−441,900,000
OPERATION AND MAINTENANCE				
Operation and Maintenance, Army	100-17	75,000,000	37,500,000	−37,500,000
Operation and Maintenance, Navy	100-17	120,000,000	60,000,000	−60,000,000
Operation and Maintenance, Air Force	100-17	21,000,000	.....	−21,000,000
Operation and Maintenance, Defense Agencies	100-17	357,000,000	431,000,000	+74,000,000
Operation and Maintenance, Army Reserve	100-17	15,000,000	7,500,000	−7,500,000
Operation and Maintenance, Navy Reserve	100-17	5,000,000	2,500,000	−2,500,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Operation and Maintenance, Army National Guard	100-17	$10,000,000	$5,000,000	−$5,000,000
Total, Operation and Maintenance		603,000,000	543,500,000	−59,500,000
PROCUREMENT				
Procurement of ammunition, Army	100-17	40,000,000		−40,000,000
Other procurement, Navy	100-17	40,000,000		−40,000,000
Aircraft procurement, Air Force	100-17	313,700,000	122,000,000	−191,700,000
Other procurement, Air Force	100-17	160,000,000		−160,000,000
Total, Procurement		553,700,000	122,000,000	−431,700,000
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION				
Research, Development, Test, and Evaluation, Army	100-17	43,000,000		−43,000,000
Research, Development, Test, and Evaluation, Navy	100-17	29,000,000	7,000,000	−22,000,000
Research, Development, Test, and Evaluation, Air Force	100-17	28,000,000		−28,000,000
Research, Development, Test, and Evaluation, Defense Agencies	100-17	518,000,000	75,000,000	−443,000,000
Developmental Test and Evaluation, Defense	100-17	30,000,000		−30,000,000
Operational Test and Evaluation, Defense	100-17	46,000,000		−46,000,000
Total, Research, Development, Test, and Evaluation		694,000,000	82,000,000	−612,000,000
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE				
Chemical agents and munitions destruction	100-17	250,000,000		−250,000,000
Total, Chapter II, new budget *(obligational)* authority		2,542,600,000	747,500,000	−1,795,100,000
CHAPTER III				
DEPARTMENT OF DEFENSE—CIVIL				
DEPARTMENT OF THE ARMY				
CORPS OF ENGINEERS—CIVIL				
Operation and maintenence, general:				
(By transfer)			*(125,000)*	*(+125,000)*
(Trust fund transfer)	100-17	*(−66,750,000)*	*(−66,750,000)*	
Total, Department of the Army *(by transfer)*		*(−66,750,000)*	*(−66,625,000)*	*(+125,000)*
DEPARTMENT OF THE INTERIOR				
BUREAU OF RECLAMATION				
Construction program *(by transfer)*	100-17	*(5,600,000)*	*(5,600,000)*	
Loan program *(by transfer)*			*(570,000)*	*(+570,000)*
Total, Department of the Interior *(by transfer)*		*(5,600,000)*	*(6,170,000)*	*(+570,000)*
Total, Chapter III, *(by transfer)*		*(−61,150,000)*	*(−60,455,000)*	*(+695,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER IV				
FOREIGN ASSISTANCE AND RELATED PROGRAMS				
MULTILATERAL ECONOMIC ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
INTERNATIONAL FINANCIAL INSTITUTIONS				
Contribution to the International Development Association	100-17	$207,476,749	$207,476,749	
Contribution to the International Finance Corporation	100-17	42,238,610	7,205,610	−$35,033,000
Contribution to the African Development Fund	100-17	36,639,000	36,639,000	
Contribution to the African Development Bank:				
Paid-in capital	100-17	6,492,127	6,492,127	
(Limitation on callable capital)	100-17	*(17,375,058)*	*(17,375,058)*	
Total, International Financial Institutions		292,846,486	257,813,486	−35,033,000
BILATERAL ECONOMIC ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
AGENCY FOR INTERNATIONAL DEVELOPMENT				
Assistance for Central America: Economic support fund *(by transfer)*			*(300,000,000)*	*(+300,000,000)*
Assistance in support of Solidarity: Economic support fund	100-17 100-51	397,000,000	1,000,000	−396,000,000
Assistance for Southern Africa: Energy and selected development activities			50,000,000	+50,000,000
Total, Agency for International Development		397,000,000	51,000,000	−346,000,000
INDEPENDENT AGENCIES				
Peace Corps			7,200,000	+7,200,000
MILITARY ASSISTANCE				
FUNDS APPROPRIATED TO THE PRESIDENT				
Military Assistance	100-17	261,000,000	50,000,000	−211,000,000
Foreign Military Credit Sales: Direct credits and forgiven loans	100-17	200,000,000	13,000,000	−187,000,000
Total, Military Assistance		461,000,000	63,000,000	−398,000,000
EXPORT ASSISTANCE				
EXPORT-IMPORT BANK OF THE UNITED STATES				
New budget *(obligational)* authority	100-17	−100,000,000	−220,000,000	−120,000,000
(Limitation on program activity)	100-17	*(−100,000,000)*	*(−220,000,000)*	*(−120,000,000)*
Total, Chapter IV:				
New budget *(obligational)* authority		1,050,846,486	159,013,486	−891,833,000
(By transfer)			*(300,000,000)*	*(+300,000,000)*
(Limitation on callable capital)		*(17,375,058)*	*(17,375,058)*	
(Limitation on program activity)		*(−100,000,000)*	*(−220,000,000)*	*(−120,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER V				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
HOUSING PROGRAMS				
Payments for operation of low-income housing projects:				
Rescission			−$65,000,000	−$65,000,000
Appropriation			65,000,000	+65,000,000
Rent supplement:				
Rescission of budget authority, indefinite	100-17	*(−$389,340,000)*	−389,340,000	[1] −389,340,000
(Limitation on annual contract authority, indefinite)	100-17	*(−14,420,000)*	*(−14,420,000)*	
Rental housing assistance:				
Rescission of budget authority, indefinite	100-17	*(−72,873,000)*	−72,873,000	[1] −72,873,000
(Limitation on annual contract authority, indefinite)	100-17	*(−2,699,000)*	*(−2,699,000)*	
Housing for the elderly or handicapped fund:				
Authority to borrow, indefinite	100-17	−90,731,000		+90,731,000
(Limitation on direct loans)	100-17	*(−90,731,000)*		*(+90,731,000)*
Total, Department of Housing and Urban Development *(net)*		−90,731,000	−462,213,000	−371,482,000
INDEPENDENT AGENCIES				
AMERICAN BATTLE MONUMENTS COMMISSION				
Salaries and expenses	100-17	1,424,000	3,000,000	+1,576,000
ENVIRONMENTAL PROTECTION AGENCY				
Salaries and expenses *(by transfer)*			*(12,000,000)*	*(+12,000,000)*
Research and development *(disapproval of deferral) (D87-54)*	100-25		*(11,000,000)*	*(+11,000,000)*
Abatement, control, and compliance:				
(Disapproval of deferral) (D87-55)	100-25		*(11,400,000)*	*(+11,400,000)*
(By transfer)			*(27,000,000)*	*(+27,000,000)*
Construction grants *(release of funds)*		*(1,200,000,000)*	*(1,200,000,000)*	
Total, Environmental Protection Agency *(by transfer)*			*(39,000,000)*	*(+39,000,000)*
FEDERAL EMERGENCY MANAGEMENT AGENCY				
Disaster relief			57,475,000	+57,475,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Construction of facilities			303,000,000	+303,000,000
VETERANS ADMINISTRATION				
Compensation and pensions	100-17	80,200,000	80,200,000	

[1] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Veterans job training			$30,000,000	+ $30,000,000
Loan guaranty revolving fund	S. 100-6	$100,000,000	100,000,000	
Total, Veterans Administration		180,200,000	210,200,000	+ $30,000,000
Total, Chapter V				
New budget (*obligational*) authority (*net*)		90,893,000	111,462,000	+ 20,569,000
Appropriations		(181,624,000)	(638,675,000)	(+ 457,051,000)
Rescissions		(*462,213,000*)	(527,213,000)	[1](— 527,213,000)
Authority to borrow		(+ 90,731,000)		(+ 90,731,000)
(*By transfer*)			(*39,000,000*)	(+ *39,000,000*)
(*Disapproval of deferrals*)			(*22,400,000*)	(+ *22,400,000*)
(*Limitation on annual contract authority, indefinite*)		(— *17,119,000*)	(— *17,119,000*)	
(*Limitation on direct loans*)		(+ *90,731,000*)		(+ *90,731,000*)
CHAPTER VI				
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources			2,126,000	+ 2,126,000
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management	100-17	2,800,000	3,100,000	+ 300,000
Construction and anadramous fish			15,000,000	+ 15,000,000
Land acquisition			5,815,000	+ 5,815,000
Total, United States Fish and Wildlife Service		2,800,000	23,915,000	+ 21,115,000
NATIONAL PARK SERVICE				
Operation of the national park service	100-17	17,631,000	18,250,000	+ 619,000
Land and water conservation fund (*rescission of contract authority*)			30,000,000	— 30,000,000
Land acquisition and State assistance			22,910,000	+ 22,910,000
Total, National Park Service (*net*)		17,631,000	11,160,000	— 6,471,000
GEOLOGICAL SURVEY				
Surveys, investigations, and research	100-17	2,597,000	2,597,000	
MINERALS MANAGEMENT SERVICE				
Leasing and royalty management			800,000	+ 800,000
BUREAU OF INDIAN AFFAIRS				
Operation of Indian programs			3,153,000	+ 3,153,000
Total, Department of the Interior (*net*)		23,028,000	43,751,000	+ 20,723,000
RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
State and private forestry			8,000,000	+ 8,000,000
(*Disapproval of deferral*) (*D87-35*)	100-25		(*797,000*)	(+ *797,000*)
Construction			1,000,000	+ 1,000,000
Land acquisition (*disapproval of deferral*) (*D87-36*)	100-25		(*22,070,000*)	(+ *22,070,000*)

[1] Reflects actual rescission rather than comparison with request

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Timber roads, purchaser election, forest service *(rescission)*			−$30,000,000	−$30,000,000
(Disapproval of deferral) (D87-37)	100-25		*(11,900,000)*	*(+11,900,000)*
Highway construction: Mount St. Helens National Volcanic Monument *(liquidation of contract authority)*	100-17	*($9,915,000)*	*(9,915,000)*	
Total, Department of Agriculture *(net)*			−21,000,000	−21,000,000
SMITHSONIAN INSTITUTION				
Salaries and expenses			700,000	+700,000
Total, Chapter VI:				
New budget *(obligational)* authority *(net)*		23,028,000	23,451,000	+423,000
Appropriations		(23,028,000)	(83,451,000)	(+60,423,000)
Rescission			(−30,000,000)	(−30,000,000)
Rescission of contract authority			(−30,000,000)	(−30,000,000)
(Liquidation of contract authority)		*(9,915,000)*	*(9,915,000)*	
(Disapproval of deferrals)			*(39,767,000)*	*(+39,767,000)*
CHAPTER VII				
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Training and employment services			20,000,000	+20,000,000
Community service employment for older Americans			10,000,000	+10,000,000
State unemployment insurance and employment service operations *(limitation on trust fund transfer)*	100-17	*(−90,000,000)*	*(65,000,000)*	*(+155,000,000)*
Total, Department of Labor			30,000,000	+30,000,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
Health resources and services			18,750,000	+18,750,000
CENTERS FOR DISEASE CONTROL				
Disease control, research and training			20,000,000	+20,000,000
NATIONAL INSTITUTES OF HEALTH				
National Institute on Aging			750,000	+750,000
National Center for Nursing Research			1,000,000	+1,000,000
Total, National Institutes of Health			1,750,000	+1,750,000
PUBLIC HEALTH SERVICE				
Public health emergency fund			30,000,000	+30,000,000
HEALTH CARE FINANCING ADMINISTRATION				
Program management *(limitation on trust fund transfer)*	100-17	*(10,000,000)*		*(−10,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
FAMILY SUPPORT ADMINISTRATION				
Work incentives			$23,600,000	+$23,000,000
OFFICE OF HUMAN DEVELOPMENT SERVICES				
Family social services	100-17	$43,000,000	121,644,000	+78,644,000
(By transfer)	100-17	*(54,727,000)*	*(43,583,000)*	*(−11,144,000)*
Human development services			1,400,000	+1,400,000
Total, Office of Human Development Services		43,000,000	123,044,000	+80,044,000
Total, Department of Health and Human Services		43,000,000	216,544,000	+173,544,000
DEPARTMENT OF EDUCATION				
Student financial assistance *(by transfer)*	100-17	*(287,000,000)*	*(287,000,000)*	
Higher education			3,300,000	+3,300,000
College housing loans *(limitation on direct loans)*	100-17	*(−60,000,000)*		*(+60,000,000)*
Chicago litigation settlement *(by transfer)*			*(83,000,000)*	*(+83,000,000)*
Total, Department of Education			3,300,000	+3,300,000
RELATED AGENCIES				
National Commission to Prevent Infant Mortaity			700,000	+700,000
Physician payment review commission *(limitation on trust fund transfer)*	100-17	*(362,000)*		*(−362,000)*
Total, Chapter VII				
New budget *(obligational)* authority		43,000,000	250,544,000	+207,544,000
(By transfer)		*(341,727,000)*	*(413,583,000)*	*(+71,856,000)*
(Limitation on trust fund transfer)		*(−79,638,000)*	*(65,000,000)*	*(+144,638,000)*
(Limitation on direct loans)		*(−60,000,000)*		*(+60,000,000)*
CHAPTER VIII				
LEGISLATIVE BRANCH				
SENATE				
PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS				
Gratuities, deceased Members	100-71	89,500	89,500	
SALARIES, OFFICERS AND EMPLOYEES				
Office of the Secretary	100-17	120,000	100,000	−20,000
Administrative, Clerical and Legislative Assistance to Senators	[1]	27,700	27,700	
Total, Salaries, Officers and Employees		147,700	127,700	−20,000
CONTINGENT EXPENSES OF THE SENATE				
Miscellaneous items	100-17 100-71	1,900,000	1,300,000	−600,000
Total, Senate		2,137,200	1,517,200	−620,000

[1] Budget request never formally received from the President.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
HOUSE OF REPRESENTATIVES				
Payments to widows and heirs of deceased Members of Congress			$152,500	+$152,500
CONTINGENT EXPENSES OF THE HOUSE				
STANDING COMMITTEES, SPECIAL AND SELECT				
Salaries and expenses	100-67	$1,950,000	1,950,000	
ALLOWANCES AND EXPENSES				
Supplies, materials, administrative costs and Federal tort claims	100-17	10,693,000	8,893,000	−1,800,000
Reemployed annuitants reimbursements	100-17	368,000	368,000	
Special session or ceremony of the Congress in honor of the Bicentennial of the Constitution	100-67	247,000	247,000	
Total, Allowances and Expenses		11,308,000	9,508,000	−1,800,000
SALARIES, OFFICERS AND EMPLOYEES				
Office of the Clerk	100-17	402,000	280,000	−122,000
Office of the Sergeant at Arms	100-17	72,000	72,000	
Office of the Law Revision Counsel	100-17	19,000	19,000	
Total, Salaries, Officers and Employees		493,000	371,000	−122,000
Total, House of Representatives		13,751,000	11,981,500	−1,769,500
JOINT ITEMS				
CAPITOL POLICE				
General expenses	100-17	432,000	180,000	−252,000
OFFICIAL MAIL COSTS				
Expenses	100-17	3,395,000		−3,395,000
CAPITOL GUIDE SERVICE				
Salaries and expenses	100-17	109,000	109,000	
Total, Joint Items		3,936,000	289,000	−3,647,000
OFFICE OF TECHNOLOGY ASSESSMENT				
Salaries and expenses	100-17	350,000	350,000	
COPYRIGHT ROYALTY TRIBUNAL				
Salaries and expenses	100-17	17,000		−17,000
Authority to spend receipts	100-17	−14,000		+14,000
Total, Copyright Royalty Tribunal		3,000		−3,000
Total, Chapter VIII, new budget *(obligational)* authority		20,177,200	14,137,700	−6,039,500
CHAPTER IX				
MILITARY CONSTRUCTION				
Military construction, Army	100-17	250,000,000		−250,000,000
Total, Chapter IX: New budget *(obligational)* authority		250,000,000		−250,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER X				
DEPARTMENT OF AGRICULTURE				
Office of the Secretary of Agriculture: Investigations			$10,000,000	+$10,000,000
Agricultural Research Service			9,891,000	+9,891,000
Cooperative State Research Service			3,500,000	+3,500,000
Buildings and facilities			30,200,000	+30,200,000
Extension Service			300,000	+300,000
Total, Cooperative State Research Service			34,000,000	+34,000,000
Animal and Plant Health Inspection Service			8,500,000	+8,500,000
Agricultural Stabilization and Conservation Service: *(Transfer from Commodity Credit Corporation)*	100-17	*($24,000,000)*	*(24,000,000)*	
Dairy Indemnity			553,000	+553,000
Rural clean water program *(rescission)*			−6,000,000	−6,000,000
General Sales Manager *(transfer from Commodity Credit Corporation)*	100-17	*(705,000)*	*(705,000)*	
Commodity Credit Corporation: Reimbursement for net realized losses	100-17	[1]6,653,189,000	5,553,189,000	−1,100,000,000
Farmers Home Administration:				
Rural Development Grants			3,000,000	+3,000,000
Rural Housing Insurance Fund:				
(Limitation on direct loans)			*(554,900,000)*	*(+554,900,000)*
Rural rental assistance agreements *(by transfer)*			*(115,000,000)*	*(+115,000,000)*
Soil Conservation Service: Watershed and flood prevention operations			300,000	+300,000
Food and Nutrition Service: Special milk program	100-17	3,426,000	3,426,000	
Foreign Agricultural Service			1,500,000	+1,500,000
Total, Department of Agriculture *(net)*		6,656,615,000	5,618,359,000	−1,038,256,000
RELATED AGENCIES				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
FOOD AND DRUG ADMINISTRATION				
Salaries and expenses			1,500,000	+1,500,000
Orphan drugs			500,000	+500,000
Total, Department of Health and Human Services			2,000,000	+2,000,000
Total, Chapter X:				
New budget *(obligational)* authority *(net)*		6,656,615,000	5,620,359,000	−1,036,256,000
Appropriations		(6,656,615,000)	(5,626,359,000)	(−1,030,256,000)
Rescission			(−6,000,000)	(−6,000,000)
(By transfer)		*(24,705,000)*	*(139,705,000)*	*(+115,000,000)*
(Limitation on direct loans)			*(554,900,000)*	*(+554,900,000)*

[1] Requested as a permanent indefinite appropriation

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
CHAPTER XI				
DEPARTMENT OF TRANSPORTATION				
COAST GUARD				
Operating expenses *(by transfer)*			*($4,120,000)*	*(+$4,120,000)*
FEDERAL AVIATION ADMINISTRATION				
Operations			43,381,000	+43,381,000
(By transfer)	100–17	*($50,000,000)*	*(16,619,000)*	*(−33,381,000)*
Grants-in-aid for airports:				
(Liquidation of contract authority) (Airport and Airway Trust Fund)	100–17	*(42,000,000)*	*(160,000,000)*	*(+118,000,000)*
(Limitation on contract authority) (Airport and Airway Trust Fund) (increase in limitation)			*(25,000,000)*	*(+25,000,000)*
Aircraft purchase loan guarantee program	100–17	2,602,000	2,602,000	
Portion applied to debt reduction	100–17	−2,175,000	−2,175,000	
Total, Federal Aviation Administration		427,000	43,808,000	+43,381,000
FEDERAL HIGHWAY ADMINISTRATION				
Motor carrier safety grants *(Highway Trust Fund) (liquidation of contract authority)*	100–17	*(35,000,000)*	*(35,000,000)*	
Baltimore-Washington Parkway *(Highway Trust Fund) (by transfer)*			*(2,000,000)*	*(+2,000,000)*
Highway Safety and Economic Development Demonstration Projects *(Highway Trust Fund) (by transfer)*			*(5,000,000)*	*(+5,000,000)*
Highway Safety Improvement Demonstration Project *(Highway Trust Fund) (by transfer)*			*(2,000,000)*	*(+2,000,000)*
Highway-Railroad Grade Crossing Safety Demonstration Project *(Highway Trust Fund) (by transfer)*			*(2,000,000)*	*(+2,000,000)*
Vehicular and Pedestrian Safety Demonstration Project *(Highway Trust Fund) (by transfer)*			*(5,000,000)*	*(+5,000,000)*
Total, Federal Highway Administration *(by transfer)*			*(16,000,000)*	*(+16,000,000)*
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION				
Operations and research *(by transfer)*			*(1,000,000)*	*(+1,000,000)*
FEDERAL RAILROAD ADMINISTRATION				
Rail service assistance *(D87-42) (deferral disapproval)*	100–25		*(462,000)*	*(+462,000)*
Northeast corridor improvement program *(D87-45) (deferral disapproval)*	100–25		*(16,962,000)*	*(+16,962,000)*
Railroad Rehabilitation and Improvement Financing Funds	100–17	13,290,000	13,290,000	
Portion applied to debt reduction	100–17	−12,500,000	−12,500,000	
Settlements of railroad litigation	100–17	102,379,000	62,142,278	−40,236,722
Portion applied to debt reduction	100–17	−95,879,000	−56,928,495	+38,950,505
Conrail commuter transition assistance *(D87-46) (deferral disapproval)*	100–25		*(10,000,000)*	*(+10,000,000)*
Total, Federal Railroad Administration		7,290,000	6,003,783	−1,286,217

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
URBAN MASS TRANSPORTATION ADMINISTRATION				
Research, training, and human resources *(D87-47) (deferral disapproval)*	100-25		*($4,336,000)*	*(+$4,336,000)*
Interstate transfer grants-transit *(D87-48) (deferral disapproval)*	100-25		*(51,800,000)*	*(+51,800,000)*
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION				
Operations and maintenance *(Harbor Maintenance Trust Fund)*	100-17	$6,000,000	4,000,000	−2,000,000
Total, Department of Transportation		13,717,000	53,811,783	+40,094,783
RELATED AGENCIES				
DEPARTMENT OF THE TREASURY				
Rebate of Saint Lawrence Seaway tolls *(Harbor Maintenance Trust Fund)*	100-17	6,250,000	6,250,000	
PANAMA CANAL COMMISSION				
Operating expenses	100-17	8,013,000	5,013,000	−3,000,000
Total, Chapter XI:				
New budget *(obligational)* authority		27,980,000	65,074,783	+37,094,783
Appropriations		(138,534,000)	(136,678,278)	(−1,855,722)
Appropriations for debt reduction		(−110,554,000)	(−71,603,495)	(+38,950,505)
(By transfer)		*(50,000,000)*	*(37,739,000)*	*(−12,261,000)*
(Disapproval of deferrals)			*(83,560,000)*	*(+83,560,000)*
(Liquidation of contract authority)		*(77,000,000)*	*(195,000,000)*	*(+118,000,000)*
(Limitation on contract authority)			*(25,000,000)*	*(+25,000,000)*
CHAPTER XII				
DEPARTMENT OF THE TREASURY				
OFFICE OF THE SECRETARY				
Salaries and expenses	100-17 100-67	5,000,000	5,000,000	
FINANCIAL MANAGEMENT SERVICE				
Salaries and expenses	100-17	1,900,000	1,900,000	
BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS				
Salaries and expenses			5,000,000	+5,000,000
INTERNAL REVENUE SERVICE				
Processing tax returns	100-17	55,200,000	55,200,000	
Examination and appeals	100-17	8,110,000	8,110,000	
Investigation, collection and taxpayer service	100-17	16,690,000	16,690,000	
Total, Internal Revenue Service		80,000,000	80,000,000	
UNITED STATES SECRET SERVICE				
Salaries and expenses			5,722,000	+5,722,000
Total, Department of the Treasury		86,900,000	97,622,000	+10,722,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE I—PROGRAM SUPPLEMENTALS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
UNITED STATES POSTAL SERVICE				
Payment to the Postal Service Fund	100-17	$79,177,000		−$79,177,000
INDEPENDENT AGENCIES				
GENERAL SERVICES ADMINISTRATION				
Federal Buildings Fund: Rental of space *(limitation on availability of revenue)*	100-17	*(61,900,000)*	*($61,900,000)*	
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION				
Operating expenses			475,000	+475,000
Total, Chapter XII				
New budget *(obligational)* authority		166,077,000	98,097,000	−67,980,000
(Limitation on availability of revenue)		*(61,900,000)*	*(61,900,000)*	
Total, title I, Program Supplementals				
New budget *(obligational)* authority *(net)*		11,350,116,862	7,422,575,976	−3,927,540,886
Appropriations		(12,926,401,862)	(9,462,392,471)	(−3,464,009,391)
Appropriations for debt reduction		(−1,485,554,000)	(−1,446,603,495)	(+38,950,505)
Authority to borrow		(−90,731,000)		(+90,731,000)
Rescissions		*(−462,213,000)*	(−563,213,000)	[1](−563,213,000)
Rescission of contract authority			(−30,000,000)	(−30,000,000)
(By transfer)		*(193,802,000)*	*(879,572,000)*	*(+685,770,000)*
(Limitation on trust fund transfer)		*(−79,638,000)*	*(65,000,000)*	*(+144,638,000)*
(Limitation on availability of revenue)		*(61,900,000)*	*(61,900,000)*	
(Limitation on direct loans)		*(−150,731,000)*	*(554,900,000)*	*(+705,631,000)*
(Limitation on guaranteed loans)		*(50,000,000)*		*(−50,000,000)*
(Limitation on annual contract authority, indefinite)		*(−17,119,000)*	*(−17,119,000)*	
(Limitation on contract authority)			*(25,000,000)*	*(+25,000,000)*
(Limitation on callable capital)		*(17,375,058)*	*(17,375,058)*	
(Liquidation of contract authority)		*(86,915,000)*	*(204,915,000)*	*(+118,000,000)*
(Limitation on program activity)		*(−100,000,000)*	*(−220,000,000)*	*(−120,000,000)*
(Disapproval of deferrals)			*(145,727,000)*	*(+145,727,000)*

[1] Reflects actual rescission rather than comparison with request

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1987				
LEGISLATIVE BRANCH				
SENATE				
Salaries, officers and employees	100-17 100-71	$5,715,000	$5,715,000	
Office of the Legislative Counsel of the Senate	100-17	47,000	47,000	
Inquiries and investigations	100-17	1,116,000	1,116,000	
Total, Senate		6,878,000	6,878,000	
HOUSE OF REPRESENTATIVES				
House leadership offices	100-17	78,000	39,000	−$39,000
Members' clerk hire	100-17	5,168,000	2,584,000	−2,584,000
Committee employees	100-17	10,713,000	720,000	−9,993,000
Special and select committees	100-17	892,000	446,000	−446,000
Allowances and expenses	100-17	815,000	408,000	−407,000
Salaries, officers and employees	100-17	1,229,000	618,000	−611,000
Total, House of Representatives		18,895,000	4,815,000	−14,080,000
JOINT ITEMS				
Joint Economic Committee	100-17	106,000	75,000	−31,000
Joint Committee on Printing	100-17	23,000	10,000	−13,000
Joint Committee on Taxation	100-17	77,000		−77,000
Total, Joint Items		206,000	85,000	−121,000
OFFICE OF TECHNOLOGY ASSESSMENT				
Salaries and expenses	100-17	209,000	209,000	
CONGRESSIONAL BUDGET OFFICE				
Salaries and expenses	100-17	227,000	80,000	−147,000
ARCHITECT OF THE CAPITOL				
Office of the Architect of the Capitol: Salaries	100-17	129,000	50,000	−79,000
Capitol buildings	100-17	142,000	70,000	−72,000
Capitol grounds	100-17	54,000	40,000	−14,000
Senate office buildings	100-17	289,000	250,000	−39,000
House office buildings	100-17	354,000	300,000	−54,000
Capitol power plant	100-17	80,000	40,000	−40,000
Library buildings and grounds: Structural and mechanical care	100-17	90,000	50,000	−40,000
Total, Architect of the Capitol		1,138,000	800,000	−338,000
BOTANIC GARDEN				
Salaries and expenses	100-17	34,000	25,000	−9,000
LIBRARY OF CONGRESS				
Salaries and expenses	100-17	2,422,000	605,000	−1,817,000
Copyright Office:				
Salaries and expenses	100-17 100-44	364,000	173,000	−191,000
Authority to spend receipts	100-44	−17,000	−17,000	
Total, Copyright Office		347,000	156,000	−191,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Congressional Research Service: Salaries and expenses	100-17	$862,000	$215,000	−$647,000
Books for the blind and physically handicapped: Salaries and expenses	100-17	99,000		−99,000
Total, Library of Congress		3,730,000	976,000	−2,754,000
COPYRIGHT ROYALTY TRIBUNAL				
Salaries and expenses	100-17	9,000	5,000	−4,000
Authority to spend receipts	100-17	−7,000	−4,000	+3,000
Total, Copyright Royalty Tribunal		2,000	1,000	−1,000
GOVERNMENT PRINTING OFFICE				
Office of the Superintendent of Documents: Salaries and expenses	100-17	96,000	46,000	−50,000
GENERAL ACCOUNTING OFFICE				
Salaries and expenses	100-17	3,905,000	2,500,000	−1,405,000
Total, Legislative Branch		35,320,000	16,415,000	−18,905,000
THE JUDICIARY				
SUPREME COURT OF THE UNITED STATES				
Salaries and expenses	100-17	504,000	504,000	
Care of the building and grounds	100-17	24,000	24,000	
Total, Supreme Court of the United States		528,000	528,000	
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT				
Salaries and expenses	100-17	97,000	97,000	
UNITED STATES COURT OF INTERNATIONAL TRADE				
Salaries and expenses	100-17	90,000	69,000	−21,000
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Salaries and expenses	100-17	15,032,000	15,032,000	
Defender services	100-17	593,000	593,000	
Total, Courts of Appeals, District Courts, and other Judicial Services		15,625,000	15,625,000	
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS				
Salaries and expenses	100-17	504,000	504,000	
FEDERAL JUDICIAL CENTER				
Salaries and expenses	100-17	116,000	116,000	
Total, The Judiciary		16,960,000	16,939,000	−21,000
EXECUTIVE OFFICE OF THE PRESIDENT				
WHITE HOUSE OFFICE				
Salaries and expenses	100-17	172,000		−172,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
EXECUTIVE RESIDENCE AT THE WHITE HOUSE				
Operating expenses	100-17	$43,000		−$43,000
SPECIAL ASSISTANCE TO THE PRESIDENT				
Salaries and expenses	100-17	10,000		−10,000
COUNCIL OF ECONOMIC ADVISERS				
Salaries and expenses	100-17	16,000		−16,000
COUNCIL ON ENVIRONMENTAL QUALITY				
Council on Environmental Quality and Office of Environmental Quality	100-17	6,000	$3,000	−3,000
OFFICE OF POLICY DEVELOPMENT				
Salaries and expenses	100-17	23,000		−23,000
NATIONAL SECURITY COUNCIL				
Salaries and expenses	100-17	28,000		−28,000
OFFICE OF ADMINISTRATION				
Salaries and expenses	100-17	57,000		−57,000
OFFICE OF MANAGEMENT AND BUDGET				
Salaries and expenses	100-17	290,000		−290,000
OFFICE OF FEDERAL PROCUREMENT POLICY				
Salaries and expenses	100-17	12,000		−12,000
OFFICE OF SCIENCE AND TECHNOLOGY POLICY				
Office of Science and Technology Policy	100-17	9,000	3,000	−6,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE				
Salaries and expenses	100-17	77,000	77,000	
Total, Executive Office of the President		743,000	83,000	−660,000
FUNDS APPROPRIATED TO THE PRESIDENT				
AGENCY FOR INTERNATIONAL DEVELOPMENT				
Agency for International Development:				
Operating expenses	100-17	2,175,000	2,175,000	
(By transfer)	100-17	*(2,175,000)*		*(−2,175,000)*
Office of Inspector General:				
Operating expenses	100-17	103,000	103,000	
(By transfer)	100-17	*(103,000)*		*(−103,000)*
Total, Agency for International Development		2,278,000	2,278,000	
PEACE CORPS				
Peace Corps, operating expenses	100-17	324,000	324,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
AFRICAN DEVELOPMENT FOUNDATION				
African Development Foundation	100-17	$15,000	$15,000	
Total, Funds Appropriated to the President		2,617,000	2,617,000	
DEPARTMENT OF AGRICULTURE				
Office of the Secretary			31,000	+$31,000
(By transfer)	100-17	*(31,000)*		*(−31,000)*
Office of the Assistant Secretary for Administration			7,000	+7,000
(By transfer)	100-17	*(7,000)*		*(−7,000)*
Office of the Assistant Secretary for Governmental and Public Affairs			7,000	+7,000
(By transfer)	100-17	*(7,000)*		*(−7,000)*
Office of the Assistant Secretary for Economics			7,000	+7,000
(By transfer)	100-17	*(7,000)*		*(−7,000)*
Office of the Assistant Secretary for Science and Education			7,000	+7,000
(By transfer)	100-17	*(7,000)*		*(−7,000)*
Office of the Assistant Secretary for Marketing and Inspection Service			7,000	+7,000
(By transfer)	100-17	*(7,000)*		*(−7,000)*
Office of the Under Secretary for International Affairs and Commodity Programs			8,000	+8,000
(By transfer)	100-17	*(8,000)*		*(−8,000)*
Office of the Under Secretary for Small Community and Rural Development			8,000	+8,000
(By transfer)	100-17	*(8,000)*		*(−8,000)*
Office of the Assistant Secretary for Natural Resources and Environment			7,000	+7,000
(By transfer)	100-17	*(7,000)*		*(−7,000)*
Office of the Assistant Secretary for Food and Consumer Services			7,000	+7,000
(By transfer)	100-17	*(7,000)*		*(−7,000)*
Departmental administration			311,000	+311,000
(By transfer)	100-17	*(541,000)*		*(−541,000)*
Building operations and maintenance			35,000	+35,000
(By transfer)	100-17	*(35,000)*		*(−35,000)*
Office of Governmental and Public Affairs			62,000	+62,000
(By transfer)	100-17	*(124,000)*		*(−124,000)*
Office of the Inspector General			400,000	+400,000
(By transfer)	100-17	*(799,000)*		*(−799,000)*
Office of the General Counsel			300,000	+300,000
(By transfer)	100-17	*(375,000)*		*(−375,000)*
Agricultural Research Service			3,935,000	+3,935,000
(By transfer)	100-17	*(7,799,000)*		*(−7,799,000)*
National Agricultural Library			65,000	+65,000
(By transfer)	100-17	*(65,000)*		*(−65,000)*
Economic Reseach Service			415,000	+415,000
(By transfer)	100-17	*(815,000)*		*(−815,000)*
National Agricultural Statistics Service			490,000	+490,000
(By transfer)	100-17	*(900,000)*		*(−900,000)*
World Agricultural Outlook Board			15,000	+15,000
(By transfer)	100-17	*(30,000)*		*(−30,000)*
Foreign Agricultural Service			567,000	+567,000
(By transfer)	100-17	*(567,000)*		*(−567,000)*
General Sales Manager *(by transfer)*	100-17	*(114,000)*	*(114,000)*	
Subtotal, Department of Agriculture			6,691,000	+6,691,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE				
Salaries and expenses *(by transfer)*	100-17	*($8,967,000)*	*($8,967,000)*	
FARMERS HOME ADMINISTRATION				
Salaries and expenses			3,000,000	+$3,000,000
(By transfer)	100-17	*(3,000,000)*		*(−3,000,000)*
SOIL CONSERVATION SERVICE				
Conservation operations			7,297,000	+7,297,000
(By transfer)	100-17	*(7,297,000)*		*(−7,297,000)*
River basin surveys and investigations			102,000	+102,000
(By transfer)	100-17	*(190,000)*		*(−190,000)*
Watershed planning			74,000	+74,000
(By transfer)	100-17	*(136,000)*		*(−136,000)*
Watershed and flood prevention operations			943,000	+943,000
Total, Soil Conservation Service			8,416,000	+8,416,000
ANIMAL AND PLANT HEALTH INSPECTION SERVICE				
Salaries and expenses			2,000,000	+2,000,000
(By transfer)	100-17	*(2,000,000)*		*(−2,000,000)*
FEDERAL GRAIN INSPECTION SERVICE				
Salaries and expenses			53,000	+53,000
(By transfer)	100-17	*(105,000)*		*(−105,000)*
AGRICULTURAL MARKETING SERVICE				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(501,000)*	*(501,000)*	
Funds for strengthening markets, income and supply (Section 32) *(increase in limitation)*	100-17	*(112,000)*	*(112,000)*	
PACKERS AND STOCKYARDS ADMINISTRATION				
Packers and Stockyards Administration			78,000	+78,000
(By transfer)	100-17	*(156,000)*		*(−156,000)*
AGRICULTURAL COOPERATIVE SERVICE				
Agricultural Cooperative Service			32,000	+32,000
(By transfer)	100-17	*(64,000)*		*(−64,000)*
OFFICE OF TRANSPORTATION				
Office of Transportation			23,000	+23,000
(By transfer)	100-17	*(45,000)*		*(−45,000)*
FOOD SAFETY INSPECTION SERVICE				
Food Safety Inspection Service			7,000,000	+7,000,000
(By transfer)	100-17	*(7,996,000)*		*(−7,996,000)*
FOOD AND NUTRITION SERVICE				
Food program administration			713,000	+713,000
(By transfer)	100-17	*(713,000)*		*(−713,000)*
HUMAN NUTRITION INFORMATION SERVICE				
Salaries and expenses			34,000	+34,000
(By transfer)	100-17	*(34,000)*		*(−34,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
FOREST SERVICE				
Forest research			$1,844,000	+$1,844,000
(By transfer)	100-17	*($1,381,000)*		*(−1,381,000)*
State and private forestry			413,000	+413,000
National forest system			17,574,000	+17,574,000
(By transfer)	100-17	*(17,083,000)*		*(−17,083,000)*
Construction			2,859,000	+2,859,000
Total, Forest Service			22,690,000	+22,690,000
Total, Department of Agriculture			50,730,000	+50,730,000
DEPARTMENT OF COMMERCE				
GENERAL ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(450,000)*	*(450,000)*	
ECONOMIC DEVELOPMENT ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(397,000)*	*(397,000)*	
ECONOMIC AND STATISTICAL ANALYSIS				
Salaries and expenses *(by transfer)*	100-17	*(332,000)*	*(332,000)*	
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research, and facilities *(by transfer)*			*(7,505,000)*	*(+7,505,000)*
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(243,000)*	*(243,000)*	
Total, Department of Commerce *(by transfer)*		*(1,422,000)*	*(8,927,000)*	*(+7,505,000)*
DEPARTMENT OF DEFENSE—MILITARY				
OPERATION AND MAINTENANCE				
Operation and Maintenance, Army	100-17	2,679,000	2,679,000	
Operation and Maintenance, Navy	100-17	3,350,000	3,350,000	
Operation and Maintenance, Marine Corps	100-17	183,000	183,000	
Operation and Maintenance, Air Force	100-17	1,925,000	1,925,000	
Operation and Maintenance, Defense Agencies	100-17	2,307,000	2,307,000	
Operation and Maintenance, Army Reserve	100-17	109,000	109,000	
Operation and Maintenance, Navy Reserve	100-17	29,000	29,000	
Operation and Maintenance, Marine Corps Reserve	100-17	3,000	3,000	
Operation and maintenance, Air Force Reserve	100-17	281,000	281,000	
Operation and Maintenance, Army National Guard	100-17	285,000	285,000	
Operation and Maintenance, Air National Guard	100-17	618,000	618,000	
Court of Military Appeals, Defense	100-17	1,000	1,000	
Total, Operation and Maintenance		11,770,000	11,770,000	
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION				
Research, Development, Test, and Evaluation, Army	100-17	336,000	336,000	
Research, Development, Test, and Evaluation, Navy	100-17	33,000	33,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Research, Development, Test, and Evaluation, Air Force	100-17	$306,000	$306,000	
Research, Development, Test, and Evaluation, Defense Agencies	100-17	115,900	115,000	
Total, Research, Development, Test, and Evaluation		790,000	790,000	
MILITARY CONSTRUCTION				
Military Construction, Army	100-17	93,000		−$93,000
Military Construction, Navy	100-17	39,000		−39,000
Military Construction, Army Reserve	100-17	1,000		−1,000
Total, Military Construction		133,000		−133,000
FAMILY HOUSING				
Family housing, Army	100-17	10,000		−10,000
Total, Department of Defense—Military		12,703,000	12,560,000	−143,000
DEPARTMENT OF DEFENSE—CIVIL				
CORPS OF ENGINEERS—CIVIL				
General expenses *(by transfer)*	100-17	*(1,832,000)*	*(1,832,000)*	
SOLDIERS' AND AIRMEN'S HOME				
Operation and maintenance *(by transfer)*	100-17	*(378,000)*	*(554,000)*	*(+176,000)*
Total, Department of Defense—Civil *(by transfer)*		*(2,210,000)*	*(2,386,000)*	*(+176,000)*
DEPARTMENT OF ENERGY				
Energy Information Administration *(by transfer)*	100-17	*(469,000)*	*(469,000)*	
Emergency preparedness *(by transfer)*	100-17	*(89,000)*	*(89,000)*	
Total, Department of Energy *(by transfer)*		*(558,000)*	*(558,000)*	
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
FOOD AND DRUG ADMINISTRATION				
Salaries and expenses			5,892,000	+5,892,000
(By transfer)	100-17	*(5,892,000)*		*(−5,892,000)*
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
Indian health services			7,686,000	+7,686,000
Indian health facilities *(by transfer)*	100-17	*(4,877,000)*		*(−4,877,000)*
NATIONAL INSTITUTES OF HEALTH				
Office of the Director			150,000	+150,000
SAINT ELIZABETHS HOSPITAL				
Federal subsidy for Saint Elizabeths Hospital			2,487,000	+2,487,000
(By transfer)	100-17	*(2,487,000)*		*(−2,487,000)*
SOCIAL SECURITY ADMINISTRATION				
(Limitation on administrative expenses)			*(18,000,000)*	*(+18,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT				
Human Development Services			$1,300,000	+$1,300,000
DEPARTMENTAL MANAGEMENT				
General departmental management	100-17	$2,200,000	2,200,000	
Office of Consumer Affairs			10,000	+10,000
Total, Departmental Management		2,200,000	2,210,000	+10,000
Total, Department of Health and Human Services		2,200,000	19,725,000	+17,525,000
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources			5,622,000	+5,622,000
Oregon and California grant lands			815,000	+815,000
Total, Bureau of Land Management			6,437,000	+6,437,000
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management			3,046,000	+3,046,000
NATIONAL PARK SERVICE				
Operation of the national park system			9,960,000	+9,960,000
National recreation and preservation			200,000	+200,000
Total, National Park Service			10,160,000	+10,160,000
GEOLOGICAL SURVEY				
Surveys, investigations, and research			6,072,000	+6,072,000
BUREAU OF MINES				
Mines and minerals			900,000	+900,000
BUREAU OF RECLAMATION				
Construction program			3,034,000	+3,034,000
Operation and maintenance			1,808,000	+1,808,000
Total, Bureau of Reclamation			4,842,000	+4,842,000
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and technology *(by transfer)*	100-17	*(642,000)*		*(−642,000)*
BUREAU OF INDIAN AFFAIRS				
Operation of Indian programs			9,765,000	+9,765,000
DEPARTMENTAL OFFICES				
Office of the Secretary			175,000	+175,000
Office of the Solicitor			200,000	+200,000
Office of the Inspector General			245,000	+245,000
Total, Departmental Offices			620,000	+620,000
Total, Department of Interior			41,842,000	+41,842,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF JUSTICE				
GENERAL ADMINISTRATION				
Salaries and expenses	100-17	$575,000	$575,000	
UNITED STATES PAROLE COMMISSION				
Salaries and expenses	100-17	84,000	84,000	
LEGAL ACTIVITIES				
Salaries and expenses, general legal activities	100-17	1,646,000	1,646,000	
Salaries and expenses, Antitrust Division	100-17	315,000	315,000	
Salaries and expenses, Foreign Claims Settlement Commission	100-17	3,000		−$3,000
Salaries and expenses, United States Attorneys	100-17	2,818,000	2,818,000	
Salaries and expenses, Oversight of Bankruptcy Cases	100-17	93,000	93,000	
Salaries and expenses, United States Marshals Service	100-17	2,234,000	2,234,000	
Salaries and expenses, Community Relations Service	100-17	64,000	64,000	
Total, Legal Activities		7,173,000	7,170,000	−3,000
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses	100-17	9,309,000	9,309,000	
DRUG ENFORCEMENT ADMINISTRATION				
Salaries and expenses	100-17	2,593,000	2,593,000	
IMMIGRATION AND NATURALIZATION SERVICE				
Salaries and expenses	100-17	5,588,000	5,588,000	
FEDERAL PRISON SYSTEM				
Salaries and expenses	100-17	3,932,000	3,932,000	
National Institute of Corrections	100-17	20,000	20,000	
Buildings and facilities	100-17	30,000	30,000	
Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated *(increase in limitation)*	100-17	*(133,000)*	*(133,000)*	
Total, Federal Prison System		3,982,000	3,982,000	
OFFICE OF JUSTICE PROGRAMS				
Salaries and expenses	100-17	172,000	172,000	
Total, Department of Justice		29,476,000	29,473,000	−3,000
DEPARTMENT OF LABOR				
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(1,583,000)*	*(1,583,000)*	
EMPLOYMENT STANDARDS ADMINISTRATION				
Black lung disability trust fund	100-17	708,000	708,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTAL MANAGEMENT				
Salaries and expenses *(by transfer)*	100-17	*($1,476,000)*	*($1,476,000)*	
Office of the Inspector General *(by transfer)*	100-17	*(460,000)*	*(460,000)*	
Total, Department of Labor		708,000	708,000	
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses	100-17	6,900,000	6,900,000	
DEPARTMENT OF TRANSPORTATION				
OFFICE OF THE SECRETARY				
Salaries and expenses *(by transfer)*	100-17	*(763,000)*	*(563,000)*	*(−$200,000)*
COAST GUARD				
Operating expenses			3,000,000	+3,000,000
(By transfer)	100-17	*(20,100,000)*	*(13,100,000)*	*(−7,000,000)*
Reserve training *(by transfer)*	100-17	*(1,231,000)*	*(1,200,000)*	*(−31,000)*
FEDERAL AVIATION ADMINISTRATION				
Headquarters administration *(by transfer)*	100-17	*(542,000)*	*(271,000)*	*(−271,000)*
Operations			33,000,000	+33,000,000
(By transfer)	100-17	*(44,000,000)*		*(−44,000,000)*
FEDERAL HIGHWAY ADMINISTRATION				
Limitation on general operating expenses *(increase in limitation)*	100-17	*(1,299,000)*	*(1,200,000)*	*(−99,000)*
Motor Carrier Safety *(by transfer)*	100-17	*(147,000)*	*(140,000)*	*(−7,000)*
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION				
Operations and research			317,000	+317,000
(By transfer)	100-17	*(634,000)*		*(−634,000)*
GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION				
Grants to the National Railroad Passenger Corporation *(by transfer)*			*(5,000,000)*	*(+5,000,000)*
FEDERAL RAILROAD ADMINISTRATION				
Office of the Administrator *(by transfer)*	100-17	*(229,000)*	*(100,000)*	*(−129,000)*
Railroad safety *(by transfer)*	100-17	*(417,000)*	*(400,000)*	*(−17,000)*
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(30,000)*	*(30,000)*	
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION				
Research and special programs *(by transfer)*	100-17	*(183,000)*	*(150,000)*	*(−33,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−) appropriations compared with estimates
OFFICE OF THE INSPECTOR GENERAL				
Salaries and expenses *(by transfer)*	100-17	*($447,000)*	*($400,000)*	*(−$47,000)*
Total, Department of Transportation			36,317,000	+36,317,000
RELATED AGENCIES				
NATIONAL TRANSPORTATION SAFETY BOARD				
Salaries and expenses *(by transfer)*			*(165,000)*	*(+165,000)*
DEPARTMENT OF THE TREASURY				
OFFICE OF THE SECRETARY				
Salaries and expenses	100-17	1,353,000		−1,353,000
FINANCIAL MANAGEMENT SERVICE				
Salaries and expenses	100-17	1,436,000		−1,436,000
Total, Department of the Treasury		2,789,000		−2,789,000
ENVIRONMENTAL PROTECTION AGENCY				
Salaries and expenses			4,000,000	+4,000,000
(By transfer)	100-17	*(12,400,000)*	*(5,000,000)*	*(−7,400,000)*
Hazardous Substance Response Trust Fund *(increase in limitation)*	100-17	*(2,365,000)*		*(−2,365,000)*
GENERAL SERVICES ADMINISTRATION				
CONSUMER INFORMATION CENTER				
Salaries and expenses			8,000	+8,000
Limitation on administrative expenses *(increase in limitation)*			*(8,000)*	*(+8,000)*
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Research and program management *(by transfer)*	100-17	*(24,927,000)*	*(25,000,000)*	*(+73,000)*
SMALL BUSINESS ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(2,400,000)*	*(2,400,000)*	
VETERANS ADMINISTRATION				
Medical care	100-17	74,695,000	149,391,000	+74,696,000
Medical and prosthetic research	100-17	1,859,000	1,859,000	
Medical administration and miscellaneous operating expenses	100-17	736,000	400,000	−336,000
General operating expenses			5,500,000	+5,500,000
Construction, minor projects *(limitation on administrative expenses)* *(increase in limitation)*	100-17	*(665,000)*	*(350,000)*	*(−315,000)*
Total, Veterans Administration		77,290,000	157,150,000	+79,860,000
OTHER INDEPENDENT AGENCIES				
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES				
Salaries and expenses	100-17	34,000		−34,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
AMERICAN BATTLE MONUMENTS COMMISSION				
Salaries and expenses	100-17	$265,000	$140,000	−$125,000
ARMS CONTROL AND DISARMAMENT AGENCY				
Arms control and disarmament activities	100-17	124,000	124,000	
CONSUMER PRODUCT SAFETY COMMISSION				
Salaries and expenses			250,000	+250,000
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION				
Salaries and expenses	100-17	2,640,000	2,640,000	
EXPORT-IMPORT BANK				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(157,000)*	*(157,000)*	
FEDERAL COMMUNICATIONS COMMISSION				
Salaries and expenses	100-17	755,000	755,000	
FEDERAL ELECTION COMMISSION				
Salaries and expenses	100-17	88,000		−88,000
FEDERAL HOME LOAN BANK BOARD				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(350,000)*	*(200,000)*	*(−150,000)*
FEDERAL LABOR RELATIONS AUTHORITY				
Salaries and expenses	100-17	136,000		−136,000
FEDERAL MARITIME COMMISSION				
Salaries and expenses	100-17	200,000	200,000	
FEDERAL MEDIATION AND CONCILIATION SERVICE				
Salaries and expenses	100-17	181,000	181,000	
MERIT SYSTEMS PROTECTION BOARD				
Salaries and expenses	100-17	170,000		−170,000
Office of the Special Counsel	100-17	21,000		−21,000
Total, Merit Systems Protection Board		191,000		−191,000
NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE				
Salaries and expenses	100-17	6,000	6,000	
NATIONAL ENDOWMENT FOR THE ARTS				
Grants and administration			200,000	+200,000
NATIONAL ENDOWMENT FOR THE HUMANITIES				
Grants and administration			200,000	+200,000
NATIONAL LABOR RELATIONS BOARD				
Salaries and expenses	100-17	628,000	628,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE II—INCREASED PAY COSTS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL MEDIATION BOARD				
Salaries and expenses	100-17	$60,000	$60,000	
NATIONAL SCIENCE FOUNDATION				
Research and related activities *(increase in limitation)*	100-17	*(2,600,000)*	*(1,300,000)*	*(−$1,300,000)*
SECURITIES AND EXCHANGE COMMISSION				
Salaries and expenses	100-17	1,837,000	1,837,000	
SMITHSONIAN INSTITUTION				
Salaries and expenses			2,654,000	+2,654,000
NATIONAL GALLERY OF ART				
Salaries and expenses			490,000	+490,000
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and expenses			21,000	+21,000
UNITES STATES HOLOCAUST MEMORIAL COUNCIL				
Holocaust memorial council			19,000	+19,000
UNITED STATES INFORMATION AGENCY				
Salaries and expenses	100-17	2,691,000	2,691,000	
Total, Other Independent Agencies		9,836,000	13,096,000	+3,260,000
Total, title II, Increased Pay Costs:				
New budget *(obligational)* authority		197,542,000	408,563,000	+211,021,000
(By transfer)		*(193,732,000)*	*(78,360,000)*	*(−115,372,000)*
(Increase in limitations)		*(8,212,000)*	*(3,991,000)*	*(−4,221,000)*
(Limitation on administrative expenses)			*(18,000,000)*	*(+18,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS (PUBLIC LAW 99-335)				
LEGISLATIVE BRANCH				
SENATE				
Salaries, officers and employees	100-17	$6,986,000	$6,986,000	
Office of the Legislative Counsel of the Senate	100-17	53,000	53,000	
Office of Senate Legal Counsel	100-17	18,000	18,000	
Senate policy committees	100-17	133,000	133,000	
Inquiries and investigations	100-17	1,848,000	1,848,000	
Total, Senate		9,038,000	9,038,000	
HOUSE OF REPRESENTATIVES				
Allowances and expenses	100-17	35,880,000	35,880,000	
JOINT ITEMS				
Joint Economic Committee	100-17	155,000	155,000	
Joint Committee on Printing	100-17	34,000	34,000	
Capitol Guide Service: Salaries and expenses	100-17	32,000	32,000	
Total, Joint Items		221,000	221,000	
OFFICE OF TECHNOLOGY ASSESSMENT				
Salaries and expenses	100-17	545,000	545,000	
CONGRESSIONAL BUDGET OFFICE				
Salaries and expenses	100-17	452,000	452,000	
ARCHITECT OF THE CAPITOL				
Office of the Architect of the Capitol: Salaries	100-17	166,000	166,000	
Capitol buildings	100-17	187,000	187,000	
Capitol grounds	100-17	68,000	68,000	
Senate office buildings	100-17	456,000	456,000	
House office buildings	100-17	611,000	611,000	
Capitol power plant	100-17	109,000	109,000	
Library buildings and grounds: Structural and mechanical care	100-17	130,000	130,000	
Total, Architect of the Capitol		1,727,000	1,727,000	
BOTANIC GARDEN				
Salaries and expenses	100-17	48,000	48,000	
LIBRARY OF CONGRESS				
Salaries and expenses	100-17	1,906,000	1,906,000	
Copyright Office:				
Salaries and expenses	100-44	287,000	287,000	
Authority to spend receipts	100-44	−12,000	−12,000	
Total, Copyright Office		275,000	275,000	
Congressional Research Service: Salaries and expenses	100-17	617,000	617,000	
Books for the blind and physically handicapped: Salaries and expenses	100-17	103,000	103,000	
Total, Library of Congress		2,901,000	2,901,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
COPYRIGHT ROYALTY TRIBUNAL				
Salaries and expenses	100-17	$7,000	$7,000	
Authority to spend receipts	100-17	−6,000	−6,000	
Total, Copyright Royalty Tribunal		1,000	1,000	
GOVERNMENT PRINTING OFFICE				
Office of the Superintendent of Documents: Salaries and expenses	100-17	83,000	83,000	
GENERAL ACCOUNTING OFFICE				
Salaries and expenses	100-17	3,563,000	3,563,000	
Total, Legislative Branch		54,459,000	54,459,000	
THE JUDICIARY				
SUPREME COURT OF THE UNITED STATES				
Salaries and expenses	100-17	409,000	409,000	
Care of the building and grounds	100-17	33,000	33,000	
Total, Supreme Court of the United States		442,000	442,000	
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT				
Salaries and expenses	100-17	23,000	23,000	
UNITED STATES COURT OF INTERNATIONAL TRADE				
Salaries and expenses	100-17	49,000	49,000	
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
Salaries and expenses	100-17	9,688,000	9,688,000	
Defender services	100-17	887,000	887,000	
Total, Courts of Appeals, District Courts, and other Judicial Services		10,575,000	10,575,000	
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS				
Salaries and expenses	100-17	80,000	80,000	
FEDERAL JUDICIAL CENTER				
Salaries and expenses	100-17	108,000	108,000	
Total, The Judiciary		11,277,000	11,277,000	
EXECUTIVE OFFICE OF THE PRESIDENT				
THE WHITE HOUSE OFFICE				
Salaries and expenses	100-17	374,000	374,000	
EXECUTIVE RESIDENCE AT THE WHITE HOUSE				
Operating expenses	100-17	53,000	53,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
SPECIAL ASSISTANCE TO THE PRESIDENT				
Salaries and expenses	100-17	$107,000	$107,000	
COUNCIL OF ECONOMIC ADVISERS				
Salaries and expenses	100-17	95,000	95,000	
OFFICE OF POLICY DEVELOPMENT				
Salaries and expenses	100-17	89,000	89,000	
NATIONAL SECURITY COUNCIL				
Salaries and expenses	100-17	62,000	62,000	
OFFICE OF ADMINISTRATION				
Salaries and expenses	100-17	214,000	214,000	
OFFICE OF MANAGEMENT AND BUDGET				
Salaries and expenses	100-17	413,000	413,000	
OFFICE OF FEDERAL PROCUREMENT POLICY				
Salaries and expenses	100-17	20,000	20,000	
OFFICE OF SCIENCE AND TECHNOLOGY POLICY				
Office of Science and Technology Policy	100-17	40,000	20,000	−$20,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE				
Salaries and expenses	100-17	168,000	168,000	
Total, Executive Office of the President		1,635,000	1,615,000	−20,000
FUNDS APPROPRIATED TO THE PRESIDENT				
AGENCY FOR INTERNATIONAL DEVELOPMENT				
Agency for International Development: Operating expenses	100-17	5,488,000	5,488,000	
Office of the Inspector General: Operating expenses	100-17	218,000	218,000	
Total, Agency for International Development		5,706,000	5,706,000	
PEACE CORPS				
Peace Corps, operating expenses	100-17	436,000	436,000	
AFRICAN DEVELOPMENT FOUNDATION				
African Development Foundation	100-17	99,000	99,000	
Total, Funds Appropriated to the President		6,241,000	6,241,000	
DEPARTMENT OF AGRICULTURE				
Office of the Secretary			29,000	+29,000
(By transfer)	100-17	*(29,000)*		*(−29,000)*
Office of the Assistant Secretary for Administration			8,000	+8,000
(By transfer)	100-17	*(8,000)*		*(−8,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Office of the Assistant Secretary for Governmental and Public Affairs			$6,000	+$6,000
(By transfer)	100-17	*($6,000)*		*(−6,000)*
Office of the Assistant Secretary for Economics			6,000	+6,000
(By transfer)	100-17	*(6,000)*		*(−6,000)*
Office of the Assistant Secretary for Science and Education			6,000	+6,000
(By transfer)	100-17	*(6,000)*		*(−6,000)*
Office of the Assistant Secretary for Marketing and Inspection Service			6,000	+6,000
(By transfer)	100-17	*(6,000)*		*(−6,000)*
Office of the Under Secretary for International Affairs and Commodity Programs			8,000	+8,000
(By transfer)	100-17	*(8,000)*		*(−8,000)*
Office of the Under Secretary for Small Community and Rural Development			8,000	+8,000
(By transfer)	100-17	*(8,000)*		*(−8,000)*
Office of the Assistant Secretary for Natural Resources and Environment			6,000	+6,000
(By transfer)	100-17	*(6,000)*		*(−6,000)*
Office of the Assistant Secretary for Food and Consumer Services			6,000	+6,000
(By transfer)	100-17	*(6,000)*		*(−6,000)*
Departmental administration			458,000	+458,000
(By transfer)	100-17	*(458,000)*		*(−458,000)*
Building operations and maintenance			165,000	+165,000
(By transfer)	100-17	*(165,000)*		*(−165,000)*
Office of Governmental and Public Affairs			126,000	+126,000
(By transfer)	100-17	*(126,000)*		*(−126,000)*
Office of the Inspector General			622,000	+622,000
(By transfer)	100-17	*(622,000)*		*(−622,000)*
Office of the General Counsel			239,000	+239,000
(By transfer)	100-17	*(239,000)*		*(−239,000)*
Agricultural Research Service			4,747,000	+4,747,000
(By transfer)	100-17	*(4,747,000)*		*(−4,747,000)*
Extension Service			6,500,000	+6,500,000
National Agricultural Library			97,000	+97,000
(By transfer)	100-17	*(97,000)*		*(−97,000)*
Economic Research Service			580,000	+580,000
(By transfer)	100-17	*(580,000)*		*(−580,000)*
National Agricultural Statistics Service			612,000	+612,000
(By transfer)	100-17	*(612,000)*		*(−612,000)*
World Agricultural Outlook Board			21,000	+21,000
(By transfer)	100-17	*(21,000)*		*(−21,000)*
Foreign Agricultural Service			607,000	+607,000
(By transfer)	100-17	*(607,000)*		*(−607,000)*
General Sales Manager *(by transfer)*	100-17	*(107,000)*	*(107,000)*	
Subtotal, Department of Agriculture			14,863,000	+14,863,000
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE				
Salaries and expenses *(by transfer)*	100-17	*(9,920,000)*	*(9,920,000)*	
OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT				
Salaries and expenses			114,000	+114,000
(By transfer)	100-17	*(114,000)*		*(−114,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
SOIL CONSERVATION SERVICE				
Conservation operations			$5,331,000	+$5,331,000
(By transfer)	100-17	*($5,331,000)*		*(−5,331,000)*
River basin surveys and investigations			130,000	+130,000
(By transfer)	100-17	*(130,000)*		*(−130,000)*
Watershed planning			97,000	+97,000
(By transfer)	100-17	*(97,000)*		*(−97,000)*
Total, Soil Conservation Service			5,558,000	+5,558,000
FARMERS HOME ADMINISTRATION				
Salaries and expenses			4,678,000	+4,678,000
(By transfer)	100-17	*(4,678,000)*		*(−4,678,000)*
FEDERAL GRAIN INSPECTION SERVICE				
Salaries and expenses			76,000	+76,000
(By transfer)	100-17	*(76,000)*		*(−76,000)*
AGRICULTURAL MARKETING SERVICE				
Marketing services			490,000	+490,000
(By transfer)	100-17	*(490,000)*		*(−490,000)*
Limitation on administrative expenses *(increase in limitation)*	100-17	*(213,000)*	*(213,000)*	
Funds for strengthening markets, income and supply (Section 32) *(increase in limitation)*	100-17	*(84,000)*	*(84,000)*	
PACKERS AND STOCKYARDS ADMINISTRATION				
Packers and Stockyards Administration			58,000	+58,000
(By transfer)	100-17	*(58,000)*		*(−58,000)*
AGRICULTURAL COOPERATIVE SERVICE				
Agricultural Cooperative Service			46,000	+46,000
(By transfer)	100-17	*(46,000)*		*(−46,000)*
OFFICE OF TRANSPORTATION				
Office of Transportation			34,000	+34,000
(By transfer)	100-17	*(34,000)*		*(−34,000)*
FOOD SAFETY INSPECTION SERVICE				
Food Safety Inspection Service			4,573,000	+4,573,000
(By transfer)	100-17	*(4,573,000)*		*(−4,573,000)*
FOOD AND NUTRITION SERVICE				
Food program administration			1,503,000	+1,503,000
(By transfer)	100-17	*(1,503,000)*		*(−1,503,000)*
HUMAN NUTRITION INFORMATION SERVICE				
Human Nutrition Information Service			75,000	+75,000
(By transfer)	100-17	*(75,000)*		*(−75,000)*
FOREST SERVICE				
Forest research			1,000,000	+1,000,000
State and private forestry			190,000	+190,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
National forest system			$9,300,000	+$9,300,000
(By transfer)	100-17	*($10,412,000)*		*(−10,412,000)*
Construction			1,600,000	+1,600,000
Total, Forest Service			12,090,000	+12,090,000
Total, Department of Agriculture			44,158,000	+44,158,000
DEPARTMENT OF COMMERCE				
GENERAL ADMINISTRATION				
Salaries and expenses	100-17	464,000	464,000	
BUREAU OF THE CENSUS				
Salaries and expenses	100-17	1,433,000	1,433,000	
Periodic censuses and programs	100-17	2,806,000	2,806,000	
Total, Bureau of the Census		4,239,000	4,239,000	
ECONOMIC AND STATISTICAL ANALYSIS				
Salaries and expenses	100-17	408,000	408,000	
ECONOMIC DEVELOPMENT ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(400,000)*	*(400,000)*	
INTERNATIONAL TRADE ADMINISTRATION				
Operations and administration	100-17	2,237,000	2,237,000	
MINORITY BUSINESS DEVELOPMENT AGENCY				
Minority business development	100-17	180,000	180,000	
UNITED STATES TRAVEL AND TOURISM ADMINISTRATION				
Salaries and expenses	100-17	49,000	49,000	
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION				
Operations, research, and facilities	100-17	5,972,000	5,972,000	
NATIONAL BUREAU OF STANDARDS				
Scientific and technical research and services	100-17	1,368,000	1,368,000	
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION				
Salaries and expenses	100-17	213,000	213,000	
Total, Department of Commerce		15,130,000	15,130,000	
DEPARTMENT OF DEFENSE—MILITARY				
OPERATION AND MAINTENANCE				
Operation and Maintenance, Army	100-17	119,047,000	119,047,000	
Operation and Maintenance, Navy	100-17	148,880,000	148,880,000	
Operation and Maintenance, Marine Corps	100-17	8,117,000	8,117,000	
Operation and Maintenance, Air Force	100-17	85,564,000	85,564,000	
Operation and Maintenance, Defense Agencies	100-17	102,453,000	102,453,000	
Operation and Maintenance, Army Reserve	100-17	4,858,000	4,858,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Operation and Maintenance, Navy Reserve	100-17	$1,306,000	$1,306,000	
Operation and Maintenance, Marine Corps Reserve	100-17	135,000	135,000	
Operation and maintenance, Air Force Reserve	100-17	12,471,000	12,471,000	
Operation and Maintenance, Army National Guard	100-17	12,666,000	12,666,000	
Operation and Maintenance, Air National Guard	100-17	27,479,000	27,479,000	
National Board for the Promotion of Rifle Practice, Army	100-17	7,000	7,000	
Court of Military Appeals, Defense	100-17	36,000	36,000	
Total, Operation and Maintenance		523,019,000	523,019,000	
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION				
Research, Development, Test, and Evaluation, Army	100-17	14,955,000	14,955,000	
Research, Development, Test, and Evaluation, Navy	100-17	1,477,000	1,477,000	
Research, Development, Test, and Evaluation, Air Force	100-17	13,609,000	13,609,000	
Research, Development, Test, and Evaluation, Defense Agencies	100-17	5,165,000	5,165,000	
Total, Research, Development, Test, and Evaluation		35,206,000	35,206,000	
MILITARY CONSTRUCTION				
Military Construction, Army	100-17	4,136,000	4,136,000	
Military Construction, Navy	100-17	1,736,000	1,736,000	
Military Construction, Army Reserve	100-17	53,000	53,000	
Total, Military Construction		5,925,000	5,925,000	
FAMILY HOUSING				
Family housing, Army	100-17	435,000	435,000	
Total, Department of Defense—Military		564,585,000	564,585,000	
DEPARTMENT OF DEFENSE—CIVIL				
CEMETERIAL EXPENSES—ARMY				
Salaries and expenses	100-17	74,000	40,000	−$34,000
CORPS OF ENGINEERS—CIVIL				
General expenses *(by transfer)*	100-17	*(1,400,000)*	*(1,400,000)*	
SOLDIERS' AND AIRMEN'S HOME				
Operation and maintenance *(by transfer)*	100-17	*(578,000)*	*(578,000)*	
Total, Department of Defense—Civil		74,000	40,000	−34,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
FOOD AND DRUG ADMINISTRATION				
Salaries and expenses			4,108,000	+4,108,000
(By transfer)	100-17	*(4,108,000)*		*(−4,108,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
Health resources and services *(by transfer)*	100-31	*($1,400,000)*	*($1,400,000)*	
Indian health services			4,000,000	+ $4,000,000
Indian health facilities *(by transfer)*	100-17	*(4,475,000)*		*(−4,475,000)*
CENTERS FOR DISEASE CONTROL				
Disease control, research and training			1,237,000	+ 1,237,000
NATIONAL INSTITUTES OF HEALTH				
Office of the Director			350,000	+ 350,000
(By transfer)	100-17	*(755,000)*		*(−755,000)*
SAINT ELIZABETHS HOSPITAL				
Federal subsidy for Saint Elizabeths Hospital			1,941,000	+ 1,941,000
(By transfer)	100-17	*(1,941,000)*		*(−1,941,000)*
DEPARTMENTAL MANAGEMENT				
Office of the Inspector General *(by transfer)*	100-17	*(500,000)*	*(500,000)*	
Office of Consumer Affairs			8,000	+ 8,000
Total, Department of Health and Human Services			11,644,000	+ 11,644,000
DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of lands and resources			3,780,000	+ 3,780,000
Oregon and California grant lands			479,000	+ 479,000
Construction and access *(by transfer)*	100-17	*(36,000)*		*(−36,000)*
Total, Bureau of Land Management			4,259,000	+ 4,259,000
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource management			2,800,000	+ 2,800,000
NATIONAL PARK SERVICE				
Operation of national park system			4,000,000	+ 4,000,000
National recreation and preservation			100,000	+ 100,000
Total, National Park Service			4,100,000	+ 4,100,000
GEOLOGICAL SURVEY				
Surveys, investigations, and research			4,206,000	+ 4,206,000
BUREAU OF MINES				
Mines and minerals			1,350,000	+ 1,350,000
BUREAU OF RECLAMATION				
Construction program			2,350,000	+ 2,350,000
Operation and maintenance			1,567,000	+ 1,567,000
Total, Bureau of Reclamation			3,917,000	+ 3,917,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and technology *(by transfer)*	100-17	*($665,000)*		*(−$665,000)*
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs			$4,500,000	+4,500,000
DEPARTMENTAL OFFICES				
Office of the Secretary			200,000	+200,000
Office of the Solicitor			200,000	+200,000
Office of Inspector General			180,000	+180,000
Total, Departmental Offices			580,000	+580,000
Total, Department of the Interior			25,712,000	+25,712,000
DEPARTMENT OF JUSTICE				
GENERAL ADMINISTRATION				
Salaries and expenses	100-17	778,000	778,000	
UNITED STATES PAROLE COMMISSION				
Salaries and expenses	100-17	155,000	155,000	
LEGAL ACTIVITIES				
Salaries and expenses, general legal activities	100-17	2,213,000	2,213,000	
Salaries and expenses, Antitrust Division	100-17	430,000	430,000	
Salaries and expenses, Foreign Claims Settlement Commission	100-17	4,000		−4,000
Salaries and expenses, United States Attorneys	100-17	3,510,000	3,510,000	
Salaries and expenses, Oversight of Bankruptcy Cases	100-17	150,000	150,000	
Salaries and expenses, United States Marshals Service	100-17	3,211,000	3,211,000	
Salaries and expenses, Community Relations Service	100-17	85,000	85,000	
Total, Legal Activities		9,603,000	9,599,000	−4,000
FEDERAL BUREAU OF INVESTIGATION				
Salaries and expenses	100-17	23,005,000	23,005,000	
DRUG ENFORCEMENT ADMINISTRATION				
Salaries and expenses	100-17	7,324,000	7,324,000	
IMMIGRATION AND NATURALIZATION SERVICE				
Salaries and expenses	100-17	10,186,000	10,186,000	
FEDERAL PRISON SYSTEM				
Salaries and expenses	100-17	17,053,000	17,053,000	
National Institute of Corrections	100-17	129,000	129,000	
Buildings and facilities	100-17	208,000	208,000	
Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated *(increase in limitation)*	100-17	*(55,000)*	*(55,000)*	
Total, Federal Prison System		17,390,000	17,390,000	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF JUSTICE PROGRAMS				
Salaries and expenses	100-17	$210,000	$210,000	
Total, Department of Justice		68,651,000	68,647,000	−$4,000
DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
Program administration *(by transfer)*	100-17	*(808,000)*	*(808,000)*	
EMPLOYMENT STANDARDS ADMINISTRATION				
Black lung disability trust fund	100-17	494,000	494,000	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(1,533,000)*	*(1,533,000)*	
MINE SAFETY AND HEALTH ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(1,941,000)*	*(1,941,000)*	
DEPARTMENTAL MANAGEMENT				
Salaries and expenses *(by transfer)*	100-17	*(1,302,000)*	*(1,302,000)*	
Office of the Inspector General *(by transfer)*	100-17	*(556,000)*	*(556,000)*	
Total, Department of Labor		494,000	494,000	
DEPARTMENT OF STATE				
ADMINISTRATION OF FOREIGN AFFAIRS				
Salaries and expenses	100-17	16,734,000	16,734,000	
DEPARTMENT OF TRANSPORTATION				
OFFICE OF THE SECRETARY				
Salaries and expenses *(by transfer)*	100-17	*(535,000)*	*(450,000)*	*(−85,000)*
COAST GUARD				
Operating expenses *(by transfer)*	100-17	*(2,154,000)*	*(1,723,200)*	*(−430,800)*
FEDERAL AVIATION ADMINISTRATION				
Headquarters administration *(by transfer)*	100-17	*(405,000)*	*(350,000)*	*(−55,000)*
Operations			41,000,000	+41,000,000
(By transfer)	100-17	*(48,267,000)*	*(5,000,000)*	*(−43,267,000)*
FEDERAL HIGHWAY ADMINISTRATION				
Limitation on general operating expenses *(increase in limitation)*	100-17	*(1,933,000)*	*(1,600,000)*	*(−333,000)*
Motor carrier safety *(by transfer)*	100-17	*(661,000)*	*(660,000)*	*(−1,000)*
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION				
Operations and research			400,000	+400,000
(By transfer)	100-17	*(467,000)*		*(−467,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL RAILROAD ADMINISTRATION				
Office of the Administrator *(by transfer)*	100-17	*($156,000)*	*($100,000)*	*(−$56,000)*
Railroad safety			115,000	+115,000
(By transfer)	100-17	*(306,000)*	*(135,000)*	*(−171,000)*
URBAN MASS TRANSPORTATION ADMINISTRATION				
Administrative expenses *(by transfer)*	100-17	*(336,000)*	*(300,000)*	*(−36,000)*
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(34,000)*	*(30,000)*	*(−4,000)*
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION				
Research and special programs *(by transfer)*	100-17	*(139,000)*	*(100,000)*	*(−39,000)*
OFFICE OF THE INSPECTOR GENERAL				
Salaries and expenses *(by transfer)*	100-17	*(443,000)*	*(354,400)*	*(−88,600)*
Total, Department of Transportation			41,515,000	+41,515,000
RELATED AGENCIES				
NATIONAL TRANSPORTATION SAFETY BOARD				
Salaries and expenses *(by transfer)*			*(150,000)*	*(+150,000)*
DEPARTMENT OF THE TREASURY				
OFFICE OF THE SECRETARY				
Salaries and expenses	100-17	863,000	863,000	
FEDERAL LAW ENFORCEMENT TRAINING CENTER				
Salaries and expenses			167,000	+167,000
FINANCIAL MANAGEMENT SERVICE				
Salaries and expenses	100-17	1,164,000	1,164,000	
UNITED STATES CUSTOMS SERVICE				
Salaries and expenses			10,066,000	+10,066,000
UNITED STATES MINT				
Salaries and expenses			422,000	+422,000
BUREAU OF THE PUBLIC DEBT				
Salaries and expenses			1,058,000	+1,058,000
INTERNAL REVENUE SERVICE				
Salaries and expenses	100-17	3,110,000		−3,110,000
Processing tax returns	100-17	81,854,000	81,854,000	
Examination and appeals	100-17	23,325,000	23,325,000	
Investigation, collection and taxpayer service	100-17	11,711,000	11,711,000	
Total, Internal Revenue Service		120,000,000	116,890,000	−3,110,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
UNITED STATES SECRET SERVICE				
Salaries and expenses			$5,387,000	+$5,387,000
Total, Department of the Treasury		$122,027,000	136,017,000	+13,990,000
ENVIRONMENTAL PROTECTION AGENCY				
Salaries and expenses			5,000,000	+5,000,000
Salaries and expenses *(by transfer)*	100-17	*(10,000,000)*		*(−10,000,000)*
Hazardous Substance Response Trust Fund *(increase in limitation)*	100-17	*(4,218,000)*		*(−4,218,000)*
GENERAL SERVICES ADMINISTRATION				
FEDERAL SUPPLY SERVICE				
Operating expenses			1,611,000	+1,611,000
INFORMATION RESOURCES MANAGEMENT SERVICE				
Operating expenses			328,000	+328,000
FEDERAL PROPERTY RESOURCES SERVICE				
Operating expenses			290,000	+290,000
GENERAL MANAGEMENT AND ADMINISTRATION				
Salaries and expenses			1,214,000	+1,214,000
OFFICE OF INSPECTOR GENERAL				
Office of Inspector General			373,000	+373,000
ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS				
Allowances and Office Staff for Former Presidents			5,000	+5,000
FEDERAL BUILDING FUND				
Limitations on availability of revenue:				
Real property operations			*(5,065,000)*	*(+5,065,000)*
Program direction and centralized services			*(225,000)*	*(+225,000)*
Design and construction services			*(472,000)*	*(+472,000)*
Total, Federal Building Fund *(limitation on availability of revenue)*			5,762,000	+5,762,000
CONSUMER INFORMATION CENTER				
Salaries and expenses			6,000	+6,000
Limitation on administrative expenses *(increase in limitation)*			*(6,000)*	*(+6,000)*
Total, General Services Administration			3,827,000	+3,827,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
Research and program management *(by transfer)*	100-17	*(16,557,000)*	*(10,500,000)*	*(−6,057,000)*
SMALL BUSINESS ADMINISTRATION				
Salaries and expenses *(by transfer)*	100-17	*(2,400,000)*	*(2,400,000)*	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
VETERANS ADMINISTRATION				
Medical care	100-17	$131,600,000	$131,600,000	
Medical and prosthetic research	100-17	1,024,000	1,024,000	
Medical administration and miscellaneous operating expenses	100-17	345,000	175,000	$170,000
General operating expenses	100-17	9,242,000	5,000,000	4,242,000
Construction, minor projects *(increase in limitation)*	100-17	*(529,000)*	*(275,000)*	*(254,000)*
Total, Veterans Administration		142,211,000	137,799,000	4,412,000
OTHER INDEPENDENT AGENCIES				
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES				
Salaries and expenses	100-17	14,000	14,000	
ADVISORY COMMITTEE ON FEDERAL PAY				
Salaries and expenses			2,000	+2,000
ARMS CONTROL AND DISARMAMENT AGENCY				
Arms control and disarmament activities	100-17	176,000	176,000	
COMMISSION ON CIVIL RIGHTS				
Salaries and expenses	100-17	19,000	19,000	
CONSUMER PRODUCT SAFETY COMMISSION				
Salaries and expenses	100-17	496,000	250,000	246,000
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION				
Salaries and expenses	100-17	1,889,000	1,889,000	
EXPORT-IMPORT BANK				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(237,000)*	*(237,000)*	
FEDERAL COMMUNICATIONS COMMISSION				
Salaries and expenses	100-17	1,199,000	1,199,000	
FEDERAL ELECTION COMMISSION				
Salaries and expenses	100-17	[1] 83,000	83,000	
FEDERAL HOME LOAN BANK BOARD				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(350,000)*	*(200,000)*	*(150,000)*
FEDERAL LABOR RELATIONS AUTHORITY				
Salaries and expenses			220,000	+220,000
FEDERAL MARITIME COMMISSION				
Salaries and expenses	100-17	147,000	147,000	

[1] Original estimate of $202,000 was changed to $83,000 at the request of the agency. No formal adjustment was submitted.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL MEDIATION AND CONCILIATION SERVICE				
Salaries and expenses	100-17	$188,000	$188,000	
INTELLIGENCE COMMUNITY STAFF				
Intelligence community staff	100-17	155,000	155,000	
MARINE MAMMAL COMMISSION				
Salaries and expenses	100-17	10,000	10,000	
MERIT SYSTEMS PROTECTION BOARD				
Salaries and expenses			272,000	+$272,000
Office of Special Counsel			79,000	+79,000
Total, Merit Systems Protection Board			351,000	+351,000
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION				
Operating expenses	100-17	863,000	863,000	
NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE				
Salaries and expenses	100-17	17,000	17,000	
NATIONAL COUNCIL ON THE HANDICAPPED				
Salaries and expenses	100-17	10,000	10,000	
NATIONAL ENDOWMENT FOR THE HUMANITIES				
Grants and administration			200,000	+200,000
NATIONAL LABOR RELATIONS BOARD				
Salaries and expenses	100-17	1,659,000	1,659,000	
NATIONAL MEDIATION BOARD				
Salaries and expenses	100-17	44,000	44,000	
OFFICE OF PERSONNEL MANAGEMENT				
Salaries and expenses			1,129,000	+1,129,000
(By transfer)			*(682,000)*	*(+682,000)*
RAILROAD RETIREMENT BOARD				
Limitation on administrative expenses *(increase in limitation)*	100-17	*(764,000)*	*(764,000)*	
Limitation on railroad unemployment insurance administration fund *(increase in limitation)*	100-17	*(214,000)*	*(214,000)*	
Limitation on review activity *(increase in limitation)*	100-17	*(22,000)*	*(22,000)*	
SECURITIES AND EXCHANGE COMMISSION				
Salaries and expenses	100-17	2,163,000	2,163,000	
SMITHSONIAN INSTITUTION				
Salaries and expenses			1,700,000	+1,700,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE III—INCREASED COSTS FOR RETIREMENT CONTRIBUTIONS—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL GALLERY OF ART				
Salaries and expenses			$330,000	+$330,000
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and expenses			19,000	+19,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL				
Holocaust memorial coucil			16,000	+16,000
UNITED STATES INFORMATION AGENCY				
Salaries and expenses	100-17	$5,443,000	5,443,000	
Radio broadcasting to Cuba	100-17	516,000	516,000	
Total, United States Information Agency		5,959,000	5,959,000	
UNITED STATES TAX COURT				
Salaries and expenses			75,000	+75,000
Total, Other Independent Agencies		15,091,000	18,887,000	+3,796,000
Total, title III, Increased Retirement Contributions:				
New budget *(obligational)* authority		1,018,609,000	1,163,781,000	+145,172,000
(By transfer)		*(151,231,000)*	*(43,349,600)*	*(−107,881,400)*
(Increase in limitations)		*(8,643,000)*	*(3,690,000)*	*(−4,953,000)*
(Limitation on availability of revenue)			*(5,762,000)*	*(+5,762,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE IV—URGENT RELIEF FOR THE HOMELESS

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV—URGENT RELIEF FOR THE HOMELESS SUPPLEMENTAL APPROPRIATIONS ACT OF 1987				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH RESOURCES AND SERVICES ADMINISTRATION				
Health resources and services			$46,000,000	+$46,000,000
ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION				
Alcohol, drug abuse and mental health			50,700,000	+50,700,000
FAMILY SUPPORT ADMINISTRATION				
Office of Community Services: Community services block grant			36,800,000	+36,800,000
Total, Department of Health and Human Services			133,500,000	+133,500,000
DEPARTMENT OF EDUCATION				
Special programs			4,600,000	+4,600,000
Vocational and adult education			6,900,000	+6,900,000
Total, Department of Education			11,500,000	+11,500,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Emergency shelter grants program			50,000,000	+50,000,000
Supportive housing demonstration program			80,000,000	+80,000,000
Supplemental assistance for facilities to assist the homeless			15,000,000	+15,000,000
Section 8 Assistance for single room occupancy dwellings			35,000,000	+35,000,000
Total, Department of Housing and Urban Development			180,000,000	+180,000,000
FEDERAL EMERGENCY MANAGEMENT AGENCY				
Emergency food and shelter program			10,000,000	+10,000,000
VETERANS ADMINISTRATION				
Medical care			20,000,000	+20,000,000
Total, title IV, Urgent Relief for the Homeless, new budget (obligational) authority			355,000,000	+355,000,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

TITLE V—GENERAL PROVISIONS

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE V—GENERAL PROVISIONS				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
CENTERS FOR DISEASE CONTROL				
Disease control, research and training (Sec. 515)			$27,000,000	+$27,000,000
DEPARTMENT OF AGRICULTURE				
National Commission on Agricultural Finance (Sec. 519)			100,000	+100,000
National Commission on Agricultural and Rural Development (Sec. 519)			100,000	+100,000
Total, Department of Agriculture			200,000	+200,000
Total, title V, General Provisions, new budget *(obligational)* authority			27,200,000	+27,200,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

SUMMARY

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—PROGRAM SUPPLEMENTALS				
Chapter I:				
Commerce, Justice, State, and the Judiciary:				
New budget *(obligational)* authority *(net)*		$478,900,176	$332,937,007	−$145,963,169
Appropriations		(1,853,900,176)	(1,707,937,007)	(−145,963,169)
Appropriation for debt reduction		(−1,375,000,000)	(−1,375,000,000)	.....
(By transfer)		*(38,520,000)*	*(10,000,000)*	*(−28,520,000)*
(Limitation on guaranteed loans)		*(50,000,000)*	.....	*(−50,000,000)*
Chapter II:				
Defense-Military:				
New budget *(obligational)* authority		2,542,600,000	747,500,000	−1,795,100,000
Chapter III:				
Defense-Civil:				
(By transfer)		*(−61,150,000)*	*(−60,455,000)*	*(+695,000)*
Chapter IV:				
Foreign Assistance:				
New budget *(obligational)* authority		1,050,846,486	159,013,486	−891,833,000
(By transfer)		.....	*(300,000,000)*	*(+300,000,000)*
(Limitation on callable capital)		*(17,375,058)*	*(17,375,058)*	.....
(Limitation on program activity)		*(−100,000,000)*	*(−220,000,000)*	*(−120,000,000)*
Chapter V:				
Housing and Urban Development—Independent Agencies:				
New budget *(obligational)* authority *(net)*		90,893,000	111,462,000	+20,569,000
Appropriations		(181,624,000)	(638,675,000)	(+457,051,000)
Rescissions		*(−462,213,000)*	(−527,213,000)	[1](−527,213,000)
Authority to borrow		(−90,731,000)	.....	(+90,731,000)
(By transfer)		.....	*(39,000,000)*	*(+39,000,000)*
(Disapproval of deferrals)		.....	*(22,400,000)*	*(+22,400,000)*
(Limitation on annual contract authority, indefinite)		*(−17,119,000)*	*(−17,119,000)*	.....
(Limitation on direct loans)		*(−90,731,000)*	.....	*(+90,731,000)*
Chapter VI:				
Interior and Related Agencies:				
New budget *(obligational)* authority		23,028,000	23,451,000	+423,000
Appropriations		(23,028,000)	(83,451,000)	(+60,423,000)
Rescissions		.....	(−30,000,000)	(−30,000,000)
Rescission of contract authority		.....	(−30,000,000)	(−30,000,000)
(Liquidation of contract authority)		*(9,915,000)*	*(9,915,000)*	.....
(Disapproval of deferrals)		.....	*(39,767,000)*	*(+39,767,000)*
Chapter VII:				
Labor, Health and Human Services, and Education:				
New budget *(obligational)* authority		43,000,000	250,544,000	+207,544,000
(By transfer)		*(341,727,000)*	*(413,583,000)*	*(+71,856,000)*
(Limitation on trust fund transfer)		*(−79,638,000)*	*(65,000,000)*	*(+144,638,000)*
(Limitation on direct loans)		*(−60,000,000)*	.....	*(+60,000,000)*
Chapter VIII:				
Legislative Branch:				
New budget *(obligational)* authority		20,177,200	14,137,700	−6,039,500
Chapter IX:				
Military Construction:				
New budget *(obligational)* authority		250,000,000	.....	−250,000,000

[1] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

SUMMARY—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Chapter X:				
Rural Development, Agriculture and Related Agencies:				
New budget *(obligational)* authority		$6,656,615,000	$5,620,359,000	−$1,036,256,000
Appropriations		(6,656,615,000)	(5,626,359,000)	(−1,030,256,000)
Rescission			(−6,000,000)	(−6,000,000)
(By transfer)		*(24,705,000)*	*(139,705,000)*	*(+115,000,000)*
(Limitation on direct loans)			*(554,900,000)*	*(+554,900,000)*
Chapter XI:				
Transportation:				
New budget *(obligational)* authority *(net)*		27,980,000	65,074,783	+37,094,783
Appropriations		(138,534,000)	(136,678,278)	(−1,855,722)
Appropriation for debt reduction		(−110,554,000)	(−71,603,495)	(+38,950,505)
(By transfer)		*(50,000,000)*	*(37,739,000)*	*(−12,261,000)*
(Disapproval of deferrals)			*(83,560,000)*	*(+83,560,000)*
(Liquidation of contract authority)		*(77,000,000)*	*(195,000,000)*	*(+118,000,000)*
(Limitation on contract authority)			*(25,000,000)*	*(+25,000,000)*
Chapter XII:				
Treasury and General Government:				
New budget *(obligational)* authority		166,077,000	98,097,000	−67,980,000
(Limitation on availability of revenue)		*(61,900,000)*	*(61,900,000)*	
Total, title I—Program Supplementals:				
New budget *(obligational)* authority *(net)*		11,350,116,862	7,422,575,976	−3,927,540,886
Appropriations		(13,388,614,862)	(9,462,392,471)	(−3,464,009,391)
Appropriations for debt reduction		(−1,485,554,000)	(−1,446,603,495)	(+38,950,505)
Authority to borrow		(−90,731,000)		(+90,731,000)
Rescissions		*(−462,213,000)*	(−563,213,000)	[1](−563,213,000)
Rescission of contract authority			(−30,000,000)	(−30,000,000)
(By transfer)		*(393,802,000)*	*(879,572,000)*	*(+485,770,000)*
(Limitation on trust fund transfer)		*(−79,638,000)*	*(65,000,000)*	*(+144,638,000)*
(Limitation on availability of revenue)		*(61,900,000)*	*(61,900,000)*	
(Limitation on direct loans)		*(−150,731,000)*	*(554,900,000)*	*(+705,631,000)*
(Limitation on guaranteed loans)		*(50,000,000)*		*(−50,000,000)*
(Limitation on annual contract authority, indefinite)		*(−17,119,000)*	*(−17,119,000)*	
(Limitation on callable capital)		*(17,375,058)*	*(17,375,058)*	
(Liquidation of contract authority)		*(86,915,000)*	*(204,915,000)*	*(+118,000,000)*
(Limitation on program activity)		*(−100,000,000)*	*(−220,000,000)*	*(−120,000,000)*
(Disapproval of deferrals)			*(144,930,000)*	*(+144,930,000)*
Total, title II—Increased Pay Costs:				
New budget *(obligational)* authority		197,542,000	408,563,000	+211,021,000
(By transfer)		*(193,732,000)*	*(78,360,000)*	*(−115,372,000)*
(Increase in limitations)		*(8,212,000)*	*(3,991,000)*	*(−4,221,000)*
(Limitation on administrative expenses)			*(18,000,000)*	*(+18,000,000)*
Total, title III—Increased Retirement Contributions:				
New budget *(obligational)* authority		1,018,609,000	1,163,781,000	+145,172,000
(By transfer)		*(151,231,000)*	*(43,349,600)*	*(−107,881,400)*
(Increase in limitations)		*(8,643,000)*	*(3,690,000)*	*(−4,953,000)*
(Limitation on availability of revenue)			*(5,762,000)*	*(+5,762,000)*
Total, title IV—Urgent Relief for the Homeless:				
New budget *(obligational)* authority			355,000,000	+355,000,000

[1] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

SUPPLEMENTAL APPROPRIATIONS ACT, 1987, PUBLIC LAW 100-71, APPROVED JULY 11, 1987—Continued

SUMMARY—Continued

Agency and item	H. Doc. No. (unless otherwise indicated)	Supplemental estimates of new budget (obligational) authority, 1987	New budget (obligational) authority appropriated, 1987	Increase (+) or decrease (−), appropriations compared with estimates
Total, title V—General Provisions:				
New budget *(obligational)* authority			$27,200,000	+$27,200,000
Grand total, titles I, II, III, IV, and V:				
New budget *(obligational)* authority *(net)*		$12,566,267,862	9,377,119,976	−3,189,147,886
Appropriations		(14,604,765,862)	(11,416,936,471)	(−2,725,616,391)
Appropriations for debt reduction		(−1,485,554,000)	(−1,446,603,495)	(+38,950,505)
Authority to borrow		(−90,731,000)		(+90,731,000)
Rescissions		*(−462,213,000)*	(−563,213,000)	[1](−563,213,000)
Rescission of contract authority			(−30,000,000)	(−30,000,000)
(By transfer)		*(738,765,000)*	*(1,001,281,600)*	*(+262,516,600)*
(Limitation on trust fund transfer)		*(−79,638,000)*	*(65,000,000)*	*(+144,638,000)*
(Limitation on availability of revenue)		*(61,900,000)*	*(67,662,000)*	*(+5,762,000)*
(Limitation on direct loans)		*(−150,731,000)*	*(554,900,000)*	*(+705,631,000)*
(Limitation on guaranteed loans)		*(50,000,000)*		*(−50,000,000)*
(Limitation on annual contract authority, indefinite)		*(−17,119,000)*	*(−17,119,000)*	
(Limitation on callable capital)		*(17,375,058)*	*(17,375,058)*	
(Limitation on contract authority)			*(25,000,000)*	*(+25,000,000)*
(Liquidation of contract authority)		*(86,915,000)*	*(204,915,000)*	*(+118,000,000)*
(Disapproval of deferrals)			*(145,727,000)*	*(+145,727,000)*
(Increase in limitations)		*(16,855,000)*	*(7,681,000)*	*(−9,174,000)*
(Limitation on administrative expenses)			*(18,000,000)*	*(+18,000,000)*
(Limitation on program activity)		*(−100,000,000)*	*(−220,000,000)*	*(−120,000,000)*

[1] Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1988 (H.R. 2763) was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 20, 1987, and the House agreed to a conference October 20, 1987. No further action occurred on H.R. 2763. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 100-202 for those programs and activities normally included in H.R. 2763 (see pp. 132-172, this volume, for Sec. 101(a) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF COMMERCE			
GENERAL ADMINISTRATION			
Salaries and expenses	$42,374,000	$39,204,000	−$3,170,000
BUREAU OF THE CENSUS			
Salaries and expenses	102,076,000	94,835,000	−7,241,000
Periodic censuses and programs	376,213,000	346,444,000	−29,769,000
Total, Bureau of the Census	478,289,000	441,279,000	−37,010,000
ECONOMIC AND STATISTICAL ANALYSIS			
Salaries and expenses	32,947,000	32,079,000	−868,000
ECONOMIC DEVELOPMENT ADMINISTRATION			
Economic development assistance programs		182,028,000	+182,028,000
(Limitation on loan guarantees)		*(150,000,000)*	*(+150,000,000)*
Financial and Technical Assistance *(rescission)*		−1,541,067	−1,541,067
Salaries and expenses		24,742,000	+24,742,000
Total, Economic Development Administration *(net)*		205,228,933	+205,228,933
INTERNATIONAL TRADE ADMINISTRATION			
Operations and administration	197,138,000	161,432,000	−35,706,000
EXPORT ADMINISTRATION			
Operations and administration		37,465,000	+37,465,000
MINORITY BUSINESS DEVELOPMENT AGENCY			
Minority business development	4,620,000	39,705,000	+35,085,000
UNITED STATES TRAVEL AND TOURISM ADMINISTRATION			
Salaries and expenses	3,000,000	11,724,000	+8,724,000
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION			
Operations, research, and facilities	1,013,251,000	1,110,015,000	+96,764,000
Aviation weather services program *(Airport and Airways Trust Fund)*	30,000,000	28,291,000	−1,709,000
(By transfer from Promote and Develop Fund)	*(57,400,000)*	*(44,397,000)*	*(−13,003,000)*
(By transfer from Coastal Energy Impact Fund)	*(15,900,000)*	*(15,248,000)*	*(−652,000)*
Fisheries promotional fund *(availability of funds)*		*(2,625,000)*	*(+2,625,000)*
Fishermen's contingency fund	750,000	719,000	−31,000
Foreign fishing observer fund	2,000,000	1,919,000	−81,000
Total, National Oceanic and Atmospheric Administration	1,046,001,000	1,140,944,000	+94,943,000
PATENT AND TRADEMARK OFFICE			
Salaries and expenses	135,542,000	120,000,000	−15,542,000

See footnotes at end of table, pp. 2447-2448.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1988 (H.R. 2763) was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 20, 1987, and the House agreed to a conference October 20, 1987. No further action occurred on H.R. 2763. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 100-202 for those programs and activities normally included in H.R. 2763 (see pp. 132-172, this volume, for Sec. 101(a) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL BUREAU OF STANDARDS			
Scientific and technical research and services	$138,625,000	$144,783,000	+$6,158,000
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION			
Salaries and expenses	14,718,000	13,814,000	−904,000
Public telecommunications facilities, planning and construction		21,290,000	+21,290,000
Total, National Telecommunications and Information Administration	14,718,000	35,104,000	+20,386,000
Total, title I, Department of Commerce:			
New budget *(obligational)* authority *(net)*	2,093,254,000	2,408,947,933	+315,693,933
Appropriations	(2,093,254,000)	(2,410,489,000)	(+317,235,000)
Rescission		(−1,541,067)	(−1,541,067)
(By transfer)	*(73,300,000)*	*(59,645,000)*	*(−13,655,000)*
(Limitation on loan guarantees)		*(150,000,000)*	*(+150,000,000)*
(Availablity of funds)		*(2,625,000)*	*(+2,625,000)*
TITLE II—DEPARTMENT OF JUSTICE			
GENERAL ADMINISTRATION			
Salaries and expenses	103,513,000	88,360,000	−15,153,000
Working capital fund	4,000,000		−4,000,000
(By transfer)		*(4,000,000)*	*(+4,000,000)*
Total, General Administration	107,513,000	88,360,000	−19,153,000
UNITED STATES PAROLE COMMISSION			
Salaries and expenses	12,253,000	11,665,000	−588,000
LEGAL ACTIVITIES			
Salaries and expenses, general legal activities	762,598,000	237,209,000	−525,389,000
Independent counsel *(permanent, indefinite)*		7,000,000	+7,000,000
Salaries and expenses, Antitrust Division		44,937,000	+44,937,000
Salaries and expenses, United States Attorneys		380,339,000	+380,339,000
United States Trustees System Fund	53,525,000	29,370,000	−24,155,000
Fees available		18,000,000	+18,000,000
Total, United States Trustee System Fund	53,525,000	47,370,000	−6,155,000
Salaries and expenses, Foreign Claims Settlement Commission	510,000	500,000	−10,000
Salaries and expenses, United States Marshals Service	216,092,000	183,168,000	−32,924,000
Support of United States prisoners	76,914,000	73,746,000	−3,168,000
Fees and expenses of witnesses	37,359,000	53,015,000	+15,656,000
Salaries and expenses, Community Relations Service	29,123,000	27,858,000	−1,265,000
Assets forfeiture fund *(current indefinite)*	120,000,000	86,500,000	−33,500,000
Total, legal activities	1,296,121,000	1,141,642,000	−154,479,000

See footnotes at end of table, pp. 2447-2448.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1988 (H.R. 2763) was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 20, 1987, and the House agreed to a conference October 20, 1987. No further action occurred on H.R. 2763. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 100-202 for those programs and activities normally included in H.R. 2763 (see pp. 132-172, this volume, for Sec. 101(a) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL BUREAU OF INVESTIGATION			
Salaries and expenses	$1,484,421,000	$1,388,492,000	−$95,929,000
DRUG ENFORCEMENT ADMINISTRATION			
Salaries and expenses	522,047,000	494,076,000	−27,971,000
IMMIGRATION AND NATURALIZATION SERVICE			
Salaries and expenses	838,828,000	741,114,000	−97,714,000
FEDERAL PRISON SYSTEM			
Salaries and expenses	760,851,000	719,814,000	−41,037,000
National Institute of Corrections	10,509,000	9,590,000	−919,000
Buildings and facilities	210,334,000	201,676,000	−8,658,000
Federal Prison Industries, Incorporated: *(Limitation on administrative and vocational training expenses)*	*(9,918,000)*	*(9,918,000)*	
Total, Federal prison system	981,694,000	931,080,000	−50,614,000
OFFICE OF JUSTICE PROGRAMS			
Justice Assistance	78,303,000	229,075,000	+150,772,000
Total, title II, Department of Justice:			
New budget *(obligational)* authority	5,321,180,000	5,025,504,000	−295,676,000
Definite	(5,201,180,000)	(4,932,004,000)	(−269,176,000)
Permanent indefinite		(7,000,000)	(+7,000,000)
Current indefinite	(120,000,000)	(86,500,000)	(−33,500,000)
(By transfer)		*(4,000,000)*	*(+4,000,000)*
(Limitation on administrative expenses)	*(9,918,000)*	*(9,918,000)*	
TITLE III—DEPARTMENT OF STATE			
ADMINISTRATION OF FOREIGN AFFAIRS			
Salaries and expenses	1,860,459,000	1,694,000,000	−166,459,000
Representation allowances	4,500,000	4,500,000	
Protection of foreign missions and officials	9,445,000	9,000,000	−445,000
Acquisition and maintenance of buildings abroad	762,279,000	313,100,000	−449,179,000
Emergencies in the diplomatic and consular service	4,500,000	4,000,000	−500,000
Payment to the American Institute in Taiwan	10,000,000	11,000,000	+1,000,000
Payment to the Foreign Service Retirement and Disability Fund	85,958,000	86,000,000	+42,000
Total, Administration of Foreign Affairs	2,737,141,000	2,121,600,000	−615,541,000
INTERNATIONAL ORGANIZATIONS AND CONFERENCES			
Contributions to international organizations	570,927,000	480,000,000	−90,927,000
Contributions for international peacekeeping activities	30,000,000	29,400,000	−600,000
International conferences and contingencies	6,000,000	6,000,000	
Total, International Organizations and Conferences	606,927,000	515,400,000	−91,527,000

See footnotes at end of table, pp. 2447-2448.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1988 (H.R. 2763) was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 20, 1987, and the House agreed to a conference October 20, 1987. No further action occurred on H.R. 2763. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 100-202 for those programs and activities normally included in H.R. 2763 (see pp. 102-172, this volume, for Sec. 101(a) of Public Law 100-202).]

Agency and item	Estimates of new (budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
INTERNATIONAL COMMISSIONS			
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses	$10,970,000	$10,261,000	−$709,000
Construction	5,800,000	3,166,000	−2,634,000
American sections, international commissions	4,788,000	4,316,000	−472,000
International fisheries commissions	11,148,000	10,548,000	−600,000
Total, International Commissions	32,706,000	28,291,000	−4,415,000
OTHER			
United States Bilateral Science and Technology Agreements	1,000,000	1,900,000	+900,000
Payment to the Asia Foundation	5,733,000	13,700,000	+7,967,000
Soviet-East European research and training	2,500,000	4,600,000	+2,100,000
Fishermen's guaranty fund	1,800,000	1,725,000	−75,000
Fisherman's protective fund	1,000,000	959,000	−41,000
Total, Other	12,033,000	22,884,000	+10,851,000
GENERAL PROVISIONS			
International conferences and contingencies		290,000	+290,000
Total, title III, Department of State, new budget (obligational) authority	3,388,807,000	2,688,465,000	−700,342,000
TITLE IV—THE JUDICIARY			
SUPREME COURT OF THE UNITED STATES			
Salaries and expenses	16,041,000	15,247,000	−794,000
Care of the building and grounds	2,662,000	2,110,000	−552,000
Total, Supreme Court of the United States	18,703,000	17,357,000	−1,346,000
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT			
Salaries and expenses	8,098,000	7,430,000	−668,000
UNITED STATES COURT OF INTERNATIONAL TRADE			
Salaries and expenses	8,211,000	7,768,000	−443,000
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES			
Salaries and expenses:			
Salaries of judges	97,858,000	97,858,000	
Other salaries and expenses	1,079,645,000	983,589,000	−96,056,000
Total, salaries and expenses	1,177,503,000	1,081,447,000	−96,056,000
Defender services	98,440,000	85,100,000	−13,340,000
Fees of jurors and commissioners	52,135,000	43,135,000	−9,000,000
Court security	46,300,000	40,853,000	−5,447,000
Total, courts of appeals, district courts, and other judicial services	1,374,378,000	1,250,535,000	−123,843,000

See footnotes at end of table, pp. 2447-2448.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1988 (H.R. 2763) was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 20, 1987, and the House agreed to a conference October 20, 1987. No further action occurred on H.R. 2763. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 100-202 for those programs and activities normally included in H.R. 2763 (see pp. 132-172, this volume, for Sec. 101(a) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS			
Salaries and expenses	$33,666,000	$31,167,000	−$2,499,000
FEDERAL JUDICIAL CENTER			
Salaries and expenses	12,022,000	10,548,000	−1,474,000
UNITED STATES SENTENCING COMMISSION			
Salaries and expenses	5,600,000	5,129,000	−471,000
Total, title IV, the Judiciary, new budget *(obligational)* authority	1,460,678,000	1,329,934,000	−130,744,000
TITLE V—RELATED AGENCIES			
DEPARTMENT OF TRANSPORTATION			
MARITIME ADMINISTRATION			
Operating-differential subsidies *(liquidation of contract authority)*	*(250,300,000)*	*(250,300,000)*	
Ocean freight differential	78,455,000	78,455,000	
Portion applied to debt reduction	77,513,000	77,513,000	
Operations and training	66,797,000	75,521,000	+8,724,000
Total, Department of Transportation	67,739,000	76,463,000	+8,724,000
ARMS CONTROL AND DISARMAMENT AGENCY			
Arms control and disarmament activities	32,700,000	30,100,000	−2,600,000
BOARD FOR INTERNATIONAL BROADCASTING			
Grants and expenses	203,573,000	185,000,000	−18,573,000
Israel Radio Station		34,000,000	+34,000,000
Total, Board for International Broadcasting	203,573,000	219,000,000	+15,427,000
CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION			
Salaries and expenses	220,000	212,000	−8,000
COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION			
Salaries and expenses	14,750,000	21,000,000	+6,250,000
COMMISSION ON CIVIL RIGHTS			
Salaries and expenses	9,800,000	5,707,000	−4,093,000
COMMISSION ON SECURITY AND COOPERATION IN EUROPE			
Salaries and expenses	770,000	701,000	−69,000

See footnotes at end of table, pp. 2447-2448

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1988 (H.R. 2763) was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 20, 1987, and the House agreed to a conference October 20, 1987. No further action occurred on H.R. 2763. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 100-202 for those programs and activities normally included in H.R. 2763 (see pp. 132-172, this volume, for Sec. 101(a) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
COMMISSION FOR THE STUDY OF INTERNATIONAL MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT			
Salaries and expenses		$870,000	+$870,000
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION			
Salaries and expenses	$193,457,000	179,812,000	−13,645,000
FEDERAL COMMUNICATIONS COMMISSION			
Salaries and expenses	107,250,000	99,613,000	−7,637,000
FEDERAL MARITIME COMMISSION			
Salaries and expenses	14,500,000	13,585,000	−915,000
FEDERAL TRADE COMMISSION			
Salaries and expenses	69,850,000	66,243,000	−3,607,000
INTERNATIONAL TRADE COMMISSION			
Salaries and expenses	35,386,000	34,750,000	−636,000
JAPAN-UNITED STATES FRIENDSHIP COMMISSION			
Japan-United States Friendship Trust Fund	1,400,000	1,200,000	−200,000
(Foreign currency appropriation)		*(1,700,000)*	*(+1,700,000)*
LEGAL SERVICES CORPORATION			
Payment to the Legal Services Corporation	[2] 305,500,000	305,500,000	
MARINE MAMMAL COMMISSION			
Salaries and expenses	906,000	953,000	+47,000
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE			
Salaries and expenses	15,141,000	15,229,000	+88,000
SECURITIES AND EXCHANGE COMMISSION			
Salaries and expenses	145,036,000	135,221,000	−9,815,000
SMALL BUSINESS ADMINISTRATION			
Salaries and expenses	235,095,000	215,832,000	−19,263,000
(By transfer)	*(90,000,000)*	*(88,228,000)*	*(−1,772,000)*
Business loan and investment fund	121,000,000	176,000,000	+55,000,000
Surety bond guarantees revolving fund	7,162,000	9,497,000	+2,335,000
Pollution control equipment contract guarantee revolving fund	16,000,000	13,656,000	−2,344,000
Total, Small Business Administration	379,257,000	414,985,000	+35,728,000
STATE JUSTICE INSTITUTE			
Salaries and expenses	[3] 12,892,000	10,980,000	−1,912,000

See footnotes at end of table, pp. 2447-2448.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)—Continued

[NOTE.—The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, 1988 (H.R. 2763) was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 20, 1987, and the House agreed to a conference October 20, 1987. No further action occurred on H.R. 2763. Programs normally funded in this bill have been provided for under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(a) of Public Law 100-202 for those programs and activities normally included in H.R. 2763 (see pp. 132-172, this volume, for Sec. 101(a) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
UNITED STATES INFORMATION AGENCY			
Salaries and expenses	$641,705,000	$620,347,000	−$21,358,000
Educational and cultural exchange programs	152,500,000	150,040,000	−2,460,000
Radio construction	90,000,000		−90,000,000
Radio broadcasting to Cuba	12,652,000	12,759,000	+107,000
East-West Center	20,000,000	20,000,000	
National endowment for democracy	25,000,000	16,875,000	−8,125,000
Total, United States Information Agency	941,857,000	820,021,000	−121,836,000
Total, title V, Related agencies:			
New budget *(obligational)* authority	2,551,984,000	2,452,145,000	−99,839,000
Appropriations	(2,629,497,000)	(2,529,658,000)	(−99,839,000)
Appropriations for debt reduction	(−77,513,000)	(−77,513,000)	
(By transfer)	*(90,000,000)*	*(88,228,000)*	*(−1,772,000)*
(Liquidation of contract authority)	*(250,300,000)*	*(250,300,000)*	
(Foreign currency appropriation)		*(1,700,000)*	*(+1,700,000)*
Grand total, all titles:			
New budget *(obligational)* authority *(net)*	14,815,903,000	13,904,995,933	−910,907,067
Appropriations	(14,893,416,000)	(13,984,050,000)	(−909,366,000)
Definite	(14,773,416,000)	(13,890,550,000)	(−882,866,000)
Permanent indefinite		(7,000,000)	(+7,000,000)
Current indefinite	(120,000,000)	(86,500,000)	(−33,500,000)
Appropriations for debt reduction	(−77,513,000)	(−77,513,000)	
Rescission		(−1,541,067)	(−1,541,067)
(By transfer)	*(163,300,000)*	*(151,873,000)*	*(−11,427,000)*
(Limitation on administrative expenses)	*(9,918,000)*	*(9,918,000)*	
(Limitation on loan guarantees)		*(150,000,000)*	*(+150,000,000)*
(Liquidation of contract authority)	*(250,300,000)*	*(250,300,000)*	
(Foreign currency appropriation)		*(1,700,000)*	*(+1,700,000)*
(Availablity of funds)		*(2,625,000)*	*(+2,625,000)*

Includes the following budget amendments:
H. Doc. 100-44:
The Judiciary:
United States Court of Appeals for the Federal Circuit $118,000
United States Court of International Trade 78,000
Courts of Appeals, District Courts, and other Judicial Services:
Salaries and expenses 10,263,000
Defender services 140,000
Administrative Office of the United States Courts 26,000
Federal Judicial Center 24,000
Total, H. Doc. 100-44 10,650,000

H. Doc. 100-71:
Department of State:
Other:
United States bilateral science and technology agreements ..... −$1,000,000
Payment to the Asia Foundation 3,938,000
Soviet-East European research and training 2,500,000
Related Agencies:
Office of the United States Trade Representative 107,000
Total, H. Doc. 100-71 7,545,000

H. Doc. 100-80:
Related Agencies:
Small Business Administration:
Salaries and expenses *(by transfer)* ..... *(8,000,000)*

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2763)—Continued

H. Doc. 100-86:	
The Judiciary:	
Courts of Appeals, District Courts, and other Judicial Services:	
Salaries and expenses	$7,500,000
S. Doc. 100-11:	
Department of State:	
International Organizations and Conferences:	
Contributions to international organizations	100,927,000
S. Doc. 100-15:	
Department of Commerce:	
General Administration	236,000
Bureau of the Census:	
Salaries and expenses	732,000
Periodic censuses and programs	1,748,000
Economic and Statistical Analysis	210,000
International Trade Administration	1,104,000
Minority Business Development Agency	9,000
United States Travel and Tourism Administration	26,000
National Oceanic and Atmospheric Administration:	
Operations, research, and facilities	3,450,000
Patent and Trademark Office	1,223,000
National Bureau of Standards	647,000
National Telecommunications and Information Administration:	
Salaries and expenses	96,000
Department of Justice:	
General Administration:	
Salaries and expenses	152,000
United States Parole Commission	86,000
Legal Activities:	
Salaries and expenses, General Legal Activities	698,000
United States trustees system fund	17,000
Salaries and expenses, Foreign Claims Settlement Commission	2,000
Salaries and expenses, United States Marshals Service	580,000
Salaries and expenses, Community Relations Service	47,000
Federal Bureau of Investigation	3,383,000
Drug Enforcement Administration	3,599,000
Immigration and Naturalization Service	$5,456,000
Federal Prison System:	
Salaries and expenses	5,332,000
National Institute of Corrections	54,000
Buildings and facilities	42,000
Federal Prison Industries, Incorporated (*Limitation on expenses*)	(19,000)
Office of Justice Programs	121,000
Department of State:	
Administration of Foreign Affairs:	
Salaries and expenses	1,161,000
Related Agencies:	
Department of Transportation:	
Maritime Administration:	
Operations and training	249,000
Arms Control and Disarmament Agency	148,000
Commission on Civil Rights	51,000
Commission on the Bicentennial of the United States Constitution	2,000
Equal Employment Opportunity Commission	1,108,000
Federal Communications Commission	684,000
Federal Maritime Commission	84,000
Federal Trade Commission	427,000
International Trade Commission	141,000
Marine Mammal Commission	5,000
Office of the United States Trade Representative	69,000
Securities and Exchange Commission	956,000
Small Business Administration	1,341,000
United States Information Agency:	
Salaries and expenses	1,110,000
Radio broadcasting to Cuba	194,000
Total, S. Doc. 100-15	42,980,000
Total, budget amendments (*net*)	68,552,000

[1]Reflects budget estimate as submitted to Congress by the Corporation pursuant to Sec. 1005(d) of Public Law 93-355. The President's budget for fiscal year 1988 (H. Doc. 100-3) did not request any funds for the Corporation.

[2]Reflects budget estimate as submitted to Congress by the State Justice Institute pursuant to Sec. 205(c) of Public Law 98-620. The President's budget for fiscal year 1988 (H. Doc. 100-3) did not request any funds for the Institute.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1988 (H.R. 3576)

[NOTE.—The Department of Defense Appropriation Bill, 1988 (H.R. 3576), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 28, 1987, and S. 1923 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 100-202 for those programs and activities normally included in H.R. 3576 (see pp. 172-214, this volume, for Sec. 101(b) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
MILITARY PERSONNEL			
Military Personnel, Army	$23,681,200,000	$23,427,732,000	−$253,468,000
Military Personnel, Navy	18,259,100,000	17,971,297,000	−287,803,000
Military Personnel, Marine Corps	5,549,000,000	5,478,266,000	−70,734,000
Military Personnel, Air Force	19,908,200,000	19,583,118,000	−325,082,000
Reserve Personnel, Army	2,278,500,000	2,239,365,000	−39,135,000
Reserve Personnel, Navy	1,516,100,000	1,496,522,000	−19,578,000
Reserve Personnel, Marine Corps	294,700,000	292,209,000	−2,491,000
Reserve Personnel, Air Force	614,700,000	608,345,000	−6,355,000
National Guard Personnel, Army	3,217,700,000	3,196,386,000	−21,314,000
National Guard Personnel, Air Force	980,000,000	976,939,000	−3,061,000
Total, title I, Military Personnel, new budget *(obligational)* authority	76,299,200,000	75,270,179,000	−1,029,021,000
TITLE II			
OPERATION AND MAINTENANCE			
Operation and Maintenance, Army	22,120,394,000	20,853,205,000	−1,267,189,000
Operation and Maintenance, Navy	25,652,830,000	23,601,462,000	−2,051,368,000
Operation and Maintenance, Marine Corps	1,918,367,000	1,819,188,000	−99,179,000
Operation and Maintenance, Air Force	21,325,282,000	19,661,448,000	−1,663,834,000
Operation and Maintenance, Defense Agencies	7,602,907,000	7,112,951,000	−489,956,000
Operation and Maintenance, Army Reserve	879,103,000	857,540,000	−21,563,000
Operation and Maintenance, Navy Reserve	957,115,000	929,896,000	−27,219,000
Operation and Maintenance, Marine Corps Reserve	71,361,000	69,500,000	−1,861,000
Operation and Maintenance, Air Force Reserve	1,018,257,000	1,000,981,000	−17,276,000
Operation and Maintenance, Army National Guard	1,862,152,000	1,856,542,000	−5,610,000
Operation and Maintenance, Air National Guard	1,972,992,000	1,958,063,000	−14,929,000
National Board for the Promotion of Rifle Practice, Army	4,099,000	4,099,000	
Claims, Defense	273,574,000	193,574,000	−80,000,000
Court of Military Appeals, Defense	3,461,000	3,241,000	−220,000
Environmental Restoration, Defense	402,800,000	402,800,000	
Humanitarian Assistance		13,000,000	+13,000,000
Total, title II, Operation and Maintenance, new budget *(obligational)* authority	86,064,694,000	80,337,490,000	−5,727,204,000
TITLE III			
PROCUREMENT			
Aircraft Procurement, Army	2,473,959,000	2,718,406,000	+244,447,000
Missile Procurement, Army	2,458,466,000	2,332,237,000	−126,229,000
Procurement of Weapons and Tracked Combat Vehicles, Army	3,152,537,000	3,207,187,000	+54,650,000
Procurement of Ammunition, Army	2,194,275,000	2,273,592,000	+79,317,000
Other Procurement, Army	5,870,860,000	5,093,549,000	−777,311,000
Aircraft Procurement, Navy	9,924,883,000	9,522,299,000	−402,584,000
Weapons Procurement, Navy	6,502,332,000	5,967,019,000	−535,313,000
Shipbuilding and Conversion, Navy	11,065,355,000	16,155,355,000	+5,090,000,000
Other Procurement, Navy	4,983,827,000	4,872,461,000	−111,366,000
Coastal Defense Augmentation		20,000,000	+20,000,000
Procurement, Marine Corps	1,402,440,000	1,295,599,000	−106,841,000
Aircraft Procurement, Air Force	14,191,371,000	12,956,827,000	−1,234,544,000

See footnotes at end of table, p. 2452.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1988 (H.R. 3576)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1988 (H.R. 3576), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 28, 1987, and S. 1923 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 100-202 for those programs and activities normally included in H.R. 3576 (see pp. 172-214, this volume, for Sec. 101(b) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Missile Procurement, Air Force	$9,772,693,000	$7,290,771,000	−$2,481,922,000
Other Procurement, Air Force	8,570,482,000	8,010,827,000	−559,655,000
National Guard and Reserve Equipment		1,200,000,000	+1,200,000,000
Procurement, Defense Agencies	1,292,391,000	1,266,263,000	−26,128,000
Defense Production Act Purchases	30,800,000	13,000,000	−17,800,000
Total, title III, Procurement, new budget *(obligational)* authority	83,886,671,000	84,195,392,000	+308,721,000
TITLE IV			
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION			
Research, Development, Test, and Evaluation, Army	5,511,172,000	4,687,513,000	−823,659,000
Research, Development, Test, and Evaluation, Navy	10,448,112,000	9,493,546,000	−954,566,000
Research, Development, Test, and Evaluation, Air Force	18,623,383,000	15,002,095,000	−3,621,288,000
Research, Development, Test, and Evaluation, Defense Agencies	8,811,532,000	7,631,825,000	−1,179,707,000
Developmental Test and Evaluation, Defense	178,217,000	182,116,000	+3,899,000
Operational Test and Evaluation, Defense	104,221,000	70,221,000	−34,000,000
Total, title IV, Research, Development, Test, and Evaluation, new budget *(obligational)* authority	43,676,637,000	37,067,316,000	−6,609,321,000
TITLE V			
REVOLVING AND MANAGEMENT FUNDS			
Army Stock Fund	263,207,000	193,207,000	−70,000,000
Navy Stock Fund	404,400,000	329,400,000	−75,000,000
Air Force Stock Fund	326,007,000	226,007,000	−100,000,000
Defense Stock Fund	207,600,000	132,600,000	−75,000,000
Total, title V, Revolving and Management Funds, new budget *(obligational)* authority	1,201,214,000	881,214,000	−320,000,000
TITLE VI			
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE			
Operation and maintenance	83,900,000	97,000,000	+13,100,000
Research, development, test, and evaluation	3,500,000	4,900,000	+1,400,000
Procurement		96,600,000	+96,600,000
Total, title VI, Chemical Agents and Munitions Destruction, Defense, new budget *(obligational)* authority	[2]87,400,000	198,500,000	+111,100,000
TITLE VII			
RELATED AGENCIES			
Central Intelligence Agency Retirement and Disability System Fund	134,700,000	134,700,000	
Intelligence Community Staff	24,272,000	23,057,000	−1,215,000
Total, title VII, Related Agencies, new budget *(obligational)* authority	158,972,000	157,757,000	−1,215,000

See footnotes at end of table, p. 2452.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1988 (H.R. 3576)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1988 (H.R. 3576), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 28, 1987, and S. 1923 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 100-202 for those programs and activities normally included in H.R. 3576 (see pp. 172-214, this volume, for Sec. 101(b) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE VIII			
GENERAL PROVISIONS			
(Additional transfer authority, sec. 8015)	*($1,500,000,000)*	*($1,500,000,000)*	
Rescissions (Sec. 8048):			
Aircraft procurement, Army, 1986/1988		−32,000,000	−$32,000,000
Aircraft procurement, Army, 1987/1989		−29,200,000	−29,200,000
Missile procurement, Army, 1986/1988		−25,100,000	−25,100,000
Missile procurement, Army, 1987/1989		−34,100,000	−34,100,000
Procurement of weapons and tracked combat vehicles, Army, 1986/1988		−41,700,000	−41,700,000
Procurement of weapons and tracked combat vehicles, Army, 1987/1989		−72,000,000	−72,000,000
Procurement of ammunition, Army, 1987/1989		−7,200,000	−7,200,000
Other procurement, Army, 1986/1988		−41,300,000	−41,300,000
Other procurement, Army, 1987/1989		−65,593,000	−65,593,000
Aircraft procurement, Navy, 1986/1988		−156,400,000	−156,400,000
Aircraft procurement, Navy, 1987/1989		−261,900,000	−261,900,000
Weapons procurement, Navy, 1986/1988		−161,200,000	−161,200,000
Weapons procurement, Navy, 1987/1989		−227,800,000	−227,800,000
Shipbuilding and conversion, Navy, 1984/1988		−134,100,000	−134,100,000
Shipbuilding and conversion, Navy, 1985/1989		−94,600,000	−94,600,000
Shipbuilding and conversion, Navy, 1986/1990		−20,000,000	−20,000,000
Shipbuilding and conversion, Navy, 1987/1991		−155,600,000	−155,600,000
Other procurement, Navy, 1986/1988		−32,361,000	−32,361,000
Other procurement, Navy, 1987/1989		−225,614,000	−225,614,000
Procurement, Marine Corps, 1986/1988		−47,600,000	−47,600,000
Procurement, Marine Corps, 1987/1989		−15,000,000	−15,000,000
Aircraft procurement, Air Force, 1986/1988		−278,521,000	−278,521,000
Aircraft procurement, Air Force, 1987/1989		−659,600,000	−659,600,000
Missile procurement, Air Force, 1985/1989		−40,100,000	−40,100,000
Missile procurement, Air Force, 1986/1988		−122,446,000	−122,446,000
Missile procurement, Air Force, 1987/1989		−11,500,000	−11,500,000
Other procurement, Air Force, 1986/1988		−58,200,000	−58,200,000
Procurement, Defense Agencies, 1986/1988		−31,000,000	−31,000,000
Procurement, Defense Agencies, 1987/1989		−75,000,000	−75,000,000
National Guard and Reserve Equipment, 1986/1988		−17,900,000	−17,900,000
Research, development, test and evaluation, Army, 1987/1988		−14,000,000	−14,000,000
Research, development, test and evaluation, Navy, 1987/1988		−67,495,000	−67,495,000
Research, development, test and evaluation, Air Force, 1987/1988		−266,000,000	−266,000,000
Research, development, test and evaluation, Defense Agencies, 1987/1988		−8,900,000	−8,900,000
Total, rescissions		−3,531,030,000	−3,531,030,000
Military and Civilian Pay Raise	[3]	875,000,000	+875,000,000
Total, title VIII, General Provisions:			
New budget *(obligational)* authority *(net)*		−2,656,030,000	−2,656,030,000
Appropriation		(875,000,000)	(+875,000,000)
Rescissions		(−3,531,030,000)	(−3,531,030,000)
(Transfer authority)	*(1,500,000,000)*	*(1,500,000,000)*	

See footnotes at end of table, p. 2452.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1988 (H.R. 3576)—Continued

[NOTE.—The Department of Defense Appropriation Bill, 1988 (H.R. 3576), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 28, 1987, and S. 1923 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(b) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(b) of Public Law 100-202 for those programs and activities normally included in H.R. 3576 (see pp. 172-214, this volume, for Sec. 101(b) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
RECAPITULATION			
Title I—Military Personnel	$76,299,200,000	$75,270,179,000	−$1,029,021,000
Title II—Operation and Maintenance	86,064,694,000	80,337,490,000	−5,727,204,000
Title III—Procurement	83,886,671,000	84,195,392,000	+308,721,000
Title IV—Research, Development, Test, and Evaluation	43,676,637,000	37,067,316,000	−6,609,321,000
Title V—Revolving and Management Funds	1,201,214,000	881,214,000	−320,000,000
Title VI—Chemical Agents and Munitions Destruction, Defense	87,400,000	198,500,000	+111,100,000
Title VII—Related agencies	158,972,000	157,757,000	−1,215,000
Title VIII—General Provisions *(net)*		−2,656,030,000	−2,656,030,000
(Additional transfer authority, sec. 8015)	*(1,500,000,000)*	*(1,500,000,000)*	
Total, Department of Defense			
New budget *(obligational)* authority *(net)*	291,374,788,000	275,451,818,000	−15,922,970,000
Appropriations	(291,374,788,000)	(278,982,848,000)	(−12,391,940,000)
Rescissions		(−3,531,030,000)	(−3,531,030,000)
(Transfer authority)	*(1,500,000,000)*	*(1,500,000,000)*	
Distribution by organizational component:			
Army	75,967,624,000	72,940,560,000	−3,027,064,000
Rescissions		362,193,000	−362,193,000
Navy	98,949,922,000	99,314,019,000	+364,097,000
Rescissions		−1,599,670,000	−1,599,670,000
Air Force	97,303,367,000	87,275,421,000	−10,027,946,000
Rescissions		−1,436,367,000	−1,436,367,000
Defense Agencies/OSD	18,907,503,000	17,021,591,000	−1,885,912,000
Rescissions		−114,900,000	−114,900,000
Reserve and National Guard (procurement)		1,200,000,000	+1,200,000,000
Rescissions		−17,900,000	−17,900,000
Chemical Agents and Munitions Destruction, Defense	87,400,000	198,500,000	+111,100,000
Related agencies	158,972,000	157,757,000	−1,215,000
Military and civilian pay raise		875,000,000	+875,000,000
Total, Department of Defense			
New budget *(obligational)* authority *(net)*	291,374,788,000	275,451,818,000	−15,922,970,000
Appropriations	(291,374,788,000)	(278,982,848,000)	(−12,391,940,000)
Rescissions		(−3,531,030,000)	(−3,531,030,000)
(Transfer authority)	*(1,500,000,000)*	*(1,500,000,000)*	

[1]Includes the following budget amendments:

H. Doc. 100-122:

Department of Defense—Military	
Operation and maintenance, Navy	$32,000,000
Research, development, test, and evaluation, Navy	−32,300,000
Total, H. Doc. 100-122 *(net)*	−10,300,000

S. Doc. 100-12:

Department of Defense—Military	
Operation and maintenance, Navy	$32,000,000
Total, budget amendments *(net)*	42,300,000

Submitted in the budget request as a line item in Title III—Procurement.

[2]$2,513,120,000 was proposed in the contingency column of the budget.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1988 (H.R. 2713)

[NOTE.—The District of Columbia Appropriation Bill, 1988 (H.R. 2713), was not approved by the Congress. The bill passed the House on June 26, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action occurred on H.R. 2713. Programs normally funded in this bill have been provided for under Sec. 101(c) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(c) of Public Law 100-202 for those programs and activities normally included in H.R. 2713 (see pp. 214-228, this volume, for Sec. 101(c) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−) appropriations compared with estimates
TITLE I			
FISCAL YEAR 1988 APPROPRIATIONS			
FEDERAL FUNDS			
Federal payment to the District of Columbia	$425,000,000	$430,500,000	+ $5,500,000
Federal payment for water and sewer services	(1)	40,500,000	+ 40,500,000
Federal contribution to retirement funds	52,070,000	50,000,000	− 2,070,000
Transitional payment for Saint Elizabeths Hospital	30,000,000	29,000,000	− 1,000,000
Criminal justice initiative:			
Rescission		− 20,000,000	− 20,000,000
Advance appropriation, fiscal year 1989		20,000,000	+ 20,000,000
Total, Federal funds to District of Columbia (*net*)	507,070,000	550,000,000	+ 42,930,000
Appropriations, fiscal year 1988 (*net*)	(507,070,000)	(530,000,000)	(+ 22,930,000)
Appropriations	(507,070,000)	(550,000,000)	(+ 42,930,000)
Rescission		(− 20,000,000)	(− 20,000,000)
Advance appropriation, fiscal year 1989		(20,000,000)	(+ 20,000,000)
DISTRICT OF COLUMBIA FUNDS			
OPERATING EXPENSES			
Governmental direction and support	[2](114,328,000)	(114,328,000)	
Economic development and regulation	(140,467,000)	(140,467,000)	
Public safety and justice	(654,331,000)	(655,524,000)	(+ 1,193,000)
Public education system	(569,526,000)	(570,594,000)	(+ 1,068,000)
Human support services	(695,681,000)	(695,591,000)	(− 90,000)
Public works	(211,362,000)	(213,654,000)	(+ 2,292,000)
Washington Convention Center Fund		(6,758,000)	(+ 6,758,000)
Repayment of loans and interest		(220,905,000)	(+ 220,905,000)
Repayment of general fund deficit		[3](882,000)	(+ 882,000)
Short-term borrowings		(3,750,000)	(+ 3,750,000)
Optical and dental benefits		(1,489,000)	(+ 1,489,000)
Energy adjustment		(− 1,200,000)	(− 1,200,000)
Financing and other uses	(232,584,000)		(− 232,584,000)
Total, operating expenses, general fund	(2,618,279,000)	(2,622,742,000)	(+ 4,463,000)
CAPITAL OUTLAY			
General fund	(269,862,000)	(272,526,000)	(+ 2,664,000)
ENTERPRISE FUNDS			
Water and sewer enterprise fund:			
Operating expenses	(169,013,000)	(169,013,000)	
Capital outlay	(7,358,000)	(7,358,000)	
Total, water and sewer enterprise fund	(176,371,000)	(176,371,000)	
Lottery and Charitable Games enterprise fund	(5,458,000)	(5,458,000)	
Cable Television enterprise fund	(250,000)	(250,000)	
Total, enterprise funds	(182,079,000)	(182,079,000)	
Total, District of Columbia funds	(3,070,220,000)	(3,077,347,000)	(+ 7,127,000)

See footnotes at end of table, p. 2454

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1988 (H.R. 2713)—Continued

[NOTE.—The District of Columbia Appropriation Bill, 1988 (H.R. 2713), was not approved by the Congress. The bill passed the House on June 26, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action occurred on H.R. 2713. Programs normally funded in this bill have been provided for under Sec. 101(c) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(c) of Public Law 100-202 for those programs and activities normally included in H.R. 2713 (see pp. 214-228, this volume, for Sec. 101(c) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—Continued			
Total, title I, fiscal year 1988 appropriations:			
Federal funds to the District of Columbia *(net)*	$507,070,000	$550,000,000	+$42,930,000
Appropriations, fiscal year 1988 *(net)*	(507,070,000)	(530,000,000)	(+22,930,000)
Appropriations	(507,070,000)	(550,000,000)	(+42,930,000)
Rescission		(−20,000,000)	(−20,000,000)
Advance appropriation, fiscal year 1989		(20,000,000)	(+20,000,000)
District of Columbia funds	*(3,070,220,000)*	*(3,077,347,000)*	*(+7,127,000)*
TITLE II			
FISCAL YEAR 1987 SUPPLEMENTAL [4]			
DISTRICT OF COLUMBIA FUNDS			
OPERATING EXPENSES			
Governmental direction and support	*(3,115,000)*	*(3,115,000)*	
Rescission	*(−1,056,000)*	*(−1,056,000)*	
Economic development and regulation	*(309,000)*	*(309,000)*	
Rescission	*(−5,281,000)*	*(−5,281,000)*	
Public safety and justice	*(60,355,000)*	*(60,355,000)*	
Public education system	*(4,810,000)*	*(4,810,000)*	
Rescission	*(−300,000)*	*(−300,000)*	
Rescission	*(−400,000)*	*(−400,000)*	
Human support services	*(5,545,000)*	*(5,545,000)*	
Rescission	*(−4,067,000)*	*(−4,067,000)*	
Public works	*(1,140,000)*	*(1,140,000)*	
Rescission	*(−6,400,000)*	*(−6,400,000)*	
Repayment of loans and interest *(recissions)*	*(−3,488,000)*	*(−3,488,000)*	
Repayment of general fund deficit	*(−5,246,000)*		*(+5,246,000)*
Personal services	*(1,800,000)*	*(1,800,000)*	
Total, operating expenses, general fund *(net)*	*(50,836,000)*	*(56,082,000)*	*(+5,246,000)*
CAPITAL OUTLAY			
General fund	*(20,585,000)*	*(20,585,000)*	
Total, title II, fiscal year 1987 supplemental:			
District of Columbia funds *(net)*	[5] *(71,421,000)*	*(76,667,000)*	*(+5,246,000)*
Appropriations	*(92,413,000)*	*(97,659,000)*	*(+5,246,000)*
Rescissions	*(−20,992,000)*	*(−20,992,000)*	
Grand total, all titles:			
Federal funds to the District of Columbia *(net)*	507,070,000	550,000,000	+42,930,000
Appropriations, fiscal year 1988 *(net)*	(507,070,000)	(530,000,000)	(+22,930,000)
Appropriations	(507,070,000)	(550,000,000)	(+42,930,000)
Rescission		(−20,000,000)	(−20,000,000)
Advance appropriation, fiscal year 1989		(20,000,000)	(+20,000,000)
District of Columbia funds *(net)*	*(3,141,641,000)*	*(3,154,014,000)*	*(+12,373,000)*
Appropriations, fiscal year 1988	*(3,070,220,000)*	*(3,077,347,000)*	*(+7,127,000)*
Appropriations, fiscal year 1987 supplemental *(net)*	*(71,421,000)*	*(76,667,000)*	*(+5,246,000)*
Appropriations	*(92,413,000)*	*(97,659,000)*	*(+5,246,000)*
Rescissions	*(−20,992,000)*	*(−20,992,000)*	

[1] The District government's request for $48,048,000 was not transmitted to Congress by the Office of Management and Budget (see pp. 11 and 12 of House Report No. 100-172).

[2] Includes informal budget request of $37,000.

[3] In addition, $19,118,000 to be derived from amounts otherwise available including amounts appropriated in the accompanying bill or revenue otherwise available, or both.

[4] Submitted in H. Doc. 100-93 except for −$400,000 rescission proposal under "Public education system" which was requested by the District government subsequent to OMB transmittal of H. Doc. 100-93 to Congress.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1988 (H.R. 2700)

[NOTE.—The Energy and Water Development Appropriation Bill, 1988 (H.R. 2700), was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on November 18, 1987. The Senate asked for a conference on the bill December 9, 1987, and the House agreed to a conference December 10, 1987. No further conference action ocurred on H.R. 2700. Programs normally funded in this bill have been provided for under Sec. 101(d) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(d) of Public Law 100-202 for those programs and activities normally included in H.R. 2700 (see pp. 228-253, this volume, for Sec. 101(d) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
CORPS OF ENGINEERS—CIVIL			
General investigations	$132,198,000	$138,767,000	+ $6,569,000
Construction, general	1,184,808,000	1,200,175,000	+ 15,367,000
Flood control and coastal emergencies	25,911,000	20,000,000	− 5,911,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	316,198,000	317,704,000	+ 1,506,000
Operation and maintenance, general	1,405,636,000	1,400,000,000	− 5,636,000
General regulatory functions	60,000,000	55,262,000	− 4,738,000
General expenses	127,398,000	115,200,000	− 12,198,000
Total, title I, Department of Defense—Civil, new budget (*obligational*) authority	3,252,149,000	3,247,108,000	− 5,041,000
TITLE II—DEPARTMENT OF THE INTERIOR			
BUREAU OF RECLAMATION			
General investigations	11,403,000	16,590,000	+ 5,187,000
Construction program	699,915,000	703,716,000	+ 3,801,000
Operation and maintenance	153,466,000	151,000,000	− 2,466,000
Loan program	27,809,000	32,309,000	+ 4,500,000
(Limitation on direct loans)	*(27,472,000)*	*(31,972,000)*	*(+ 4,500,000)*
General administrative expenses	53,004,000	51,690,000	− 1,314,000
Emergency fund	1,000,000	1,000,000	
Total, title II, Department of the Interior:			
New budget (*obligational*) authority	946,597,000	956,305,000	+ 9,708,000
(Limitation on direct loans)	*(27,472,000)*	*(31,972,000)*	*(+ 4,500,000)*
TITLE III—DEPARTMENT ENERGY			
Energy Supply, Research and Development Activities:			
Operating Expenses	1,676,905,000	1,632,664,000	− 44,241,000
Plant and Capital Equipment	232,393,000	355,693,000	+ 123,300,000
(By transfer)		*(104,000,000)*	*(+ 104,000,000)*
Subtotal	1,909,298,000	1,988,357,000	+ 79,059,000
Uranium Supply and Enrichment Activities:			
Operating Expenses	1,018,469,000	916,000,000	− 102,469,000
Plant and Capital Equipment	51,500,000	34,000,000	− 17,500,000
Subtotal	1,069,969,000	950,000,000	− 119,969,000
Gross revenues		− 1,301,000,000	− 1,301,000,000
Net appropriation	1,069,969,000	− 351,000,000	− 1,420,969,000
General Science and Research Activities:			
Operating Expenses	627,403,000	627,423,000	+ 20,000
Plant and Capital Equipment	187,075,000	177,075,000	− 10,000,000
Subtotal	814,478,000	804,498,000	− 9,980,000

See footnote at end of table, p. 2457.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1988 (H.R. 2700)—Continued

[NOTE.—The Energy and Water Development Appropriation Bill, 1988 (H.R. 2700), was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on November 18, 1987. The Senate asked for a conference on the bill December 9, 1987, and the House agreed to a conference December 10, 1987. No further conference action ocurred on H.R. 2700. Programs normally funded in this bill have been provided for under Sec. 101(d) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(d) of Public Law 100-202 for those programs and activities normally included in H.R. 2700 (see pp. 228-253, this volume, for Sec. 101(d) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Nuclear Waste Disposal Fund	$499,818,000	$360,000,000	−$139,818,000
Atomic Energy Defense Activites:			
Operating Expenses	6,408,165,000	6,253,465,000	−154,700,000
Plant and Capital Equipment	1,641,835,000	1,495,899,000	−145,936,000
Subtotal	8,050,000,000	7,749,364,000	−300,636,000
Departmental Administration:			
Operating Expenses	392,869,000	389,640,000	−3,229,000
Plant and Capital Equipment	5,873,000	5,873,000	
Subtotal	398,742,000	395,513,000	−3,229,000
Miscellaneous revenues	−233,896,000	−233,896,000	
Net appropriation	164,846,000	161,617,000	−3,229,000
POWER MARKETING ADMINISTRATIONS			
Operation and maintenance, Alaska Power Administration	3,009,000	3,026,000	+17,000
Operation and maintenance, Southeastern Power Administration	27,386,000	27,400,000	+14,000
Operation and maintenance, Southwestern Power Administration	16,584,000	16,648,000	+64,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	288,090,000	242,512,000	−45,578,000
Subtotal	335,069,000	289,586,000	−45,483,000
FEDERAL ENERGY REGULATORY COMMISSION			
Salaries and expenses	103,348,000	100,000,000	−3,348,000
Revenues Applied		−100,000,000	−100,000,000
Subtotal	103,348,000		−103,348,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND			
Geothermal loan guarantee and interest assistance program	72,000	72,000	
(Limitation on guaranteed loans)		*(500,000,000)*	*(+500,000,000)*
Total, title III, Department of Energy:			
New budget *(obligational)* authority	12,946,898,000	11,002,494,000	−1,944,404,000
(By transfer)		*(104,000,000)*	*(+104,000,000)*
(Limitation on guaranteed loans)		*(500,000,000)*	*(+500,000,000)*
TITLE IV—INDEPENDENT AGENCIES			
Appalachian Regional Commission: Appalachian regional development programs		107,000,000	+107,000,000
Delaware River Basin Commission:			
Salaries and expenses	202,000	203,000	+1,000
Contribution to Delaware River Basin Commission	263,000	263,000	
Total, Delaware River Basin Commission	465,000	466,000	+1,000
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin		379,000	+379,000

See footnote at end of table, p. 2457.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1988 (H.R. 2700)—Continued

[NOTE.—The Energy and Water Development Appropriation Bill, 1988 (H.R. 2700), was not approved by the Congress. The bill passed the House on June 24, 1987, and passed the Senate, amended on November 18, 1987. The Senate asked for a conference on the bill December 9, 1987, and the House agreed to a conference December 10, 1987. No further conference action ocurred on H.R. 2700. Programs normally funded in this bill have been provided for under Sec. 101(d) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(d) of Public Law 100-202 for those programs and activities normally included in H.R. 2700 (see pp. 228-253, this volume, for Sec. 101(d) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Nuclear Regulatory Commission:			
Salaries and expenses	$427,800,000	$392,800,000	−$35,000,000
Revenues		−196,400,000	−196,400,000
Total, Nuclear Regulatory Commission	427,800,000	196,400,000	−231,400,000
Susquehanna River Basin Commission:			
Salaries and expenses	196,000	197,000	+1,000
Contribution to Susquehanna River Basin Commission	249,000	249,000	
Total, Susquehanna River Basin Commission	445,000	446,000	+1,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	72,773,000	103,000,000	+30,227,000
Total, title IV, Independent agencies, new budget *(obligational)* authority	501,483,000	407,691,000	−93,792,000
Grand total, all titles:			
New budget *(obligational)* authority	17,647,127,000	15,613,598,000	−2,033,529,000
(By transfer)		*(104,000,000)*	*(+104,000,000)*
(Limitation on direct loans)	*(27,472,000)*	*(31,972,000)*	*(+4,500,000)*
(Limitation on guaranteed loans)		*(500,000,000)*	*(+500,000,000)*

[1] Includes the following budget amendments:

S. Doc. 100-14:	
Department of the Interior:	
Bureau of Reclamation:	
Construction program	$1,000,000
Loan program	1,000,000
Total, S. Doc. 100-14 *(net)*	0
S. Doc. 100-15:	
Department of Defense—Civil:	
Corps of Engineers—Civil:	
General investigations	802,000
Construction, general	1,692,000
Flood control and coastal emergencies	89,000
Flood control, Mississippi River and tributaries	802,000
Operation and maintenance, general	4,364,000
General expenses	802,000
Department of the Interior:	
Bureau of Reclamation:	
General investigations	156,000
Construction program	1,243,000
Operation and maintenance	831,000
General administrative expenses	286,000
Department of Energy:	
Energy supply, research and development activities	412,000
Uranium supply and enrichment activities	31,000
General science and research activities	20,000
Nuclear waste disposal fund	182,000
Departmental administration	1,287,000
Power Marketing Administration:	
Operation and maintenance, Alaska Power Administration	−$17,000
Operation and maintenance, Southeastern Power Administration	−14,000
Operation and maintenance, Southwestern Power Administration	−64,000
Construction, rehabilitation, operation and maintenance, Western Area Power	422,000
Federal Energy Regulatory Commission	652,000
Independent Agencies:	
Delaware River Basin Commission:	
Contribution to Delaware River Basin Commission	1,000
Susquehanna River Basin Commission:	
Salaries and expenses	1,000
Total, S. Doc. 100-15	14,170,000
S. Doc. 100-16:	
Department of Defense—Civil:	
Corps of Engineers—Civil:	
Construction, general	1,500,000
S. Doc. 100-18:	
Department of Defense—Civil:	
Corps of Engineers—Civil:	
Operation and maintenance, general	60,000,000
General regulatory functions	60,000,000
Total, S. Doc. 100-18 *(net)*	0
Total, budget amendments *(net)*	−15,670,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1988 (H.R. 3186)

[NOTE.—The Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 1988 (H.R. 3186), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 6, 1987, and S. 1924 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(e) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(e) of Public Law 100-202 for those programs and activities normally included in H.R. 3186 (see pp. 253-305, this volume, for Sec. 101(e) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—MULTILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
INTERNATIONAL FINANCIAL INSTITUTIONS			
WORLD BANK GROUP			
Contribution to the International Bank for Reconstruction and Development:			
Paid-in capital	$204,909,039	$40,176,393	−$164,732,646
(Limitation on callable capital)	*(2,169,161,009)*	*(437,320,185)*	*(−1,731,840,824)*
Total, contribution to the International Bank for Reconstruction and Development	*(2,374,070,048)*	*(477,496,578)*	*(−1,896,573,470)*
Budget authority	204,909,039	40,176,393	−164,732,646
(Limitation on callable capital)	*(2,169,161,609)*	*(437,320,185)*	*(−1,731,840,824)*
Contribution to the International Development Association	958,333,334	915,000,000	−43,333,334
Contribution to the International Finance Corporation	35,032,000	20,300,000	−14,732,000
Contribution to Multilateral Investment Guarantee Agency:			
Paid-in capital	44,403,116	44,403,116	
(Limitation on callable capital)	*(177,612,464)*	*(177,612,464)*	
Total, contributions to the World Bank Group	*(3,589,450,962)*	*(1,634,812,158)*	*(−1,954,638,804)*
Budget authority	1,242,677,489	1,019,879,509	−222,797,980
(Limitation on callable capital)	*(2,346,773,473)*	*(614,932,649)*	*(−1,731,840,824)*
Contribution to the Inter-American Development Bank:			
Fund for special operations	110,097,000	[25,732,371	−84,364,629
Inter-regional paid-in capital	121,098,332	31,600,000	−89,498,332
Inter-American Investment Corporation	26,803,000	1,303,000	−25,500,000
(Limitation on callable capital)	*(2,376,737,187)*	*(119,403,576)*	*(−2,257,333,611)*
Total, contribution to the Inter-American Development Bank	*(2,634,735,519)*	*(178,038,947)*	*(−2,456,696,572)*
Budget authority	257,998,332	58,635,371	−199,362,961
(Limitation on callable capital)	*(2,376,737,187)*	*(119,403,576)*	*(−2,257,333,611)*
Contribution to the Asian Development Bank:			
Paid-in capital	15,057,220	15,057,220	
Development fund	218,964,000	28,000,000	−190,964,000
(Limitation on callable capital)	*(276,503,941)*	*(276,503,941)*	
Total, contribution to the Asian Development Bank	*(510,525,161)*	*(319,561,161)*	*(−190,964,000)*
Budget authority	234,021,220	43,057,220	−190,964,000
(Limitation on callable capital)	*(276,503,941)*	*(276,503,941)*	
Contribution to the African Development Fund	75,000,000	75,000,000	
Contribution to the African Development Bank:			
Paid-in capital	8,999,371	8,999,371	
(Limitation on callable capital)	*(134,918,184)*	*(134,918,184)*	
Total, contributions to the African Development Bank	*(143,917,555)*	*(143,917,555)*	
Budget authority	8,999,371	8,999,371	
(Limitation on callable capital)	*(134,918,184)*	*(134,918,184)*	

See footnotes at end of table, p. 2461.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1988 (H.R. 3186)—Continued

[NOTE.—The Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 1988 (H.R. 3186), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 6, 1987, and S. 1924 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(e) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(e) of Public Law 100-202 for those programs and activities normally included in H.R. 3186 (see pp. 253-305, this volume, for Sec. 101(e) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
INTERNATIONAL FINANCIAL INSTITUTIONS—Continued			
Total, contributions to International Financial Institutions	*($6,953,629,197)*	*($2,351,329,821)*	*(−$4,602,299,376)*
Budget authority	1,818,696,412	1,205,571,471	−613,124,941
(Limitation on callable capital)	*(5,134,932,785)*	*(1,145,758,350)*	*(−3,989,174,435)*
DEPARTMENT OF STATE			
International organizations and programs	194,000,000	244,648,000	+50,648,000
Total, title I, contributions for Multilateral Economic Assistance	*(7,147,629,197)*	*(2,595,977,821)*	*(−4,551,651,376)*
Budget authority	2,012,696,412	1,450,219,471	−562,476,941
(Limitation on callable capital)	*(5,134,932,785)*	*(1,145,758,350)*	*(−3,989,174,435)*
TITLE II—BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Agriculture, rural development, and nutrition, Development Assistance	471,000,000	488,715,000	+17,715,000
Population, Development Assistance	207,500,000	197,940,000	−9,560,000
Health, Development Assistance	120,100,000	119,000,000	−1,100,000
Internaitonal AIDS prevention and control program		30,000,000	+30,000,000
Child Survival Fund	61,000,000	66,000,000	+5,000,000
Education and human resources development, Development Assistance	123,650,000	117,000,000	−6,650,000
Private sector, environmental, and energy, Development Assistance	148,038,000	120,709,000	−27,329,000
Science and technology, Development Assistance	14,662,000	8,662,270	−5,999,730
Sub-Saharan Africa, Development Assistance	500,000,000	500,000,000	
Southern Africa Development Assistance		50,000,000	+50,000,000
Private sector revolving fund	12,000,000		−12,000,000
(By transfer)		*(9,000,000)*	*(+9,000,000)*
(Limitation on direct loans)	*(16,000,000)*	*(12,000,000)*	*(−4,000,000)*
Reappropriation *(deobligation/reobligation)* authority	[2] 12,500,000	[2] 12,500,000	
Total, development assistance	1,670,450,000	1,710,526,270	+40,076,270
American schools and hospitals abroad	10,800,000	40,000,000	+29,200,000
International disaster assistance	25,000,000	25,000,000	
Payment to the Foreign Service Retirement and Disability Fund	35,132,000	35,132,000	
Operating expenses of the Agency for International Development	426,810,000	406,000,000	−20,810,000
Operating expenses of the Agency for International Development Office of the Inspector General	22,687,000	23,970,000	+1,283,000
Housing and other credit guaranty programs:			
(Limitation on guaranteed loans)	*(100,000,000)*	*(125,000,000)*	*(+25,000,000)*
(Limitation on administrative expenses)	*(6,500,000)*		*(−6,500,000)*
Guarantee reserve, indefinite borrowing authority	22,000,000	22,000,000	
Subtotal, Agency for International Development	2,212,879,000	2,262,628,270	+49,749,270

See footnotes at end of table, p. 2461.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1988 (H.R. 3186)—Continued

[NOTE.—The Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 1988 (H.R. 3186), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 6, 1987, and S. 1924 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(e) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(e) of Public Law 100-202 for those programs and activities normally included in H.R. 3186 (see pp. 253-305, this volume, for Sec. 101(e) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Economic support fund	$3,580,500,000	$3,188,320,000	−$392,180,000
Reappropriation (deobligation/reobligation) authority	[2] 12,500,000	[2] 12,500,000	
Total, economic support fund	3,593,000,000	3,200,820,000	−392,180,000
Total, Agency for International Development	5,805,879,000	5,463,448,270	−342,430,730
INDEPENDENT AGENCIES			
AFRICAN DEVELOPMENT FOUNDATION			
Appropriations	6,754,000	7,000,000	+246,000
INTER-AMERICAN FOUNDATION			
Appropriations	11,300,000	13,000,000	+1,700,000
OVERSEAS PRIVATE INVESTMENT CORPORATION			
(Limitation on direct loans)	*(15,000,000)*	*(23,000,000)*	*(+8,000,000)*
(Limitation on guaranteed loans)	*(150,000,000)*	*(200,000,000)*	*(+50,000,000)*
(Limitation)	*(10,600,000)*		*(−10,600,000)*
Total, Funds Appropriated to the President	5,823,933,000	5,483,448,270	−340,484,730
PEACE CORPS			
Appropriations	130,682,000	146,200,000	+15,518,000
DEPARTMENT OF STATE			
International narcotics control	98,750,000	98,750,000	
Migration and refugee assistance	314,450,000	346,450,000	+32,000,000
Anti-terrorism assistance	9,840,000	9,840,000	
Total, Department of State	423,040,000	455,040,000	+32,000,000
Total, title II, Economic Assistance—Bilateral:			
New budget *(obligational)* authority	6,377,655,000	6,084,688,270	−292,966,730
(Limitation on direct loans)	*(31,000,000)*	*(35,000,000)*	*(+4,000,000)*
(Limitation on guaranteed loans)	*(250,000,000)*	*(325,000,000)*	*(+75,000,000)*
TITLE III—MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Military Assistance	1,328,800,000	700,750,000	−628,050,000
International Military Education and Training	56,000,000	47,400,000	−8,600,000
Foreign Military Credit Sales:			
Direct credits and forgiven loans	4,421,150,000	4,049,000,000	−372,150,000
Guarantee Reserve Fund	532,000,000	532,000,000	
(Rescission of loan authority)		[3] *(−32,000,000)*	*(−32,000,000)*
Special Defense Acquisition Fund *(limitation on obligations)*	*(350,000,000)*	*(236,865,000)*	*(−113,135,000)*
Special Assistance for Central America: Assistance for Nicaraguan Democratic Resistance	105,000,000		−105,000,000
Peacekeeping operations	46,311,000	31,689,000	−14,622,000
Total, title III, Military Assistance Programs:			
New budget *(obligational)* authority	6,489,261,000	5,360,839,000	−1,128,422,000
(Limitation on obligations)	*(350,000,000)*	*(236,865,000)*	*(−113,135,000)*
(Rescission of loan authority)		*(−32,000,000)*	*(−32,000,000)*

See footnotes at end of table, p. 2461.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1988 (H.R. 3186)—Continued

[NOTE.—The Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 1988 (H.R. 3186), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on August 6, 1987, and S. 1924 was reported by the Committee on Appropriations of the Senate on December 4, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(e) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(e) of Public Law 100-202 for those programs and activities normally included in H.R. 3186 (see pp. 253–305, this volume, for Sec. 101(e) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE IV—EXPORT ASSISTANCE			
EXPORT-IMPORT BANK OF THE UNITED STATES			
Limitation of Program Activity:			
New budget *(obligational)* authority [4]	$1,000,000,000	[4] $690,000,000	−$310,000,000
(Limitation on direct loans) [4]	*(1,000,000,000)*	[4] *(690,000,000)*	*(−310,000,000)*
(Limitation on guaranteed loans)	*(10,000,000,000)*	*(10,000,000,000)*	
(Limitation on administrative expenses)	*(20,668,000)*	*(19,500,000)*	*(−1,168,000)*
Total, Export-Import Bank of the United States:			
New budget *(obligational)* authority	1,000,000,000	690,000,000	−310,000,000
(Limitation on use of corporate funds)	*(11,020,668,000)*	*(10,709,500,000)*	*(−311,168,000)*
FUNDS APPROPRIATED TO THE PRESIDENT			
TRADE AND DEVELOPMENT PROGRAM			
Trade and development	20,000,000	25,000,000	+5,000,000
AGENCY FOR INTERNATIONAL DEVELOPMENT			
Trade credit insurance program *(limitation on program activity)*	*(200,000,000)*	*(200,000,000)*	
Total, title IV, Export Assistance:			
New budget *(obligational)* authority	1,020,000,000	715,000,000	−305,000,000
(Limitation on direct loans)	*(1,000,000,000)*	*(690,000,000)*	*(−310,000,000)*
(Limitation on guaranteed loans)	*(10,000,000,000)*	*(10,000,000,000)*	
(Limitation on administrative expenses)	*(20,668,000)*	*(19,500,000)*	*(−1,168,000)*
(Limitation on program activity)	*(200,000,000)*	*(200,000,000)*	
TITLE V—GENERAL PROVISIONS			
Sugar Import Program (sec. 583)		−12,000,000	−12,000,000
Grand total, all titles:			
New budget *(obligational)* authority	15,899,612,412	13,598,746,741	−2,300,865,671
(Limitation on obligations)	*(350,000,000)*	*(236,865,000)*	*(−113,135,000)*
(Limitation on guaranteed loans)	*(10,250,000,000)*	*(10,325,000,000)*	*(+75,000,000)*
(Limitation on direct loans)	*(1,031,000,000)*	*(725,000,000)*	*(−306,000,000)*
(Limitation on callable capital)	*(5,134,932,785)*	*(1,145,758,350)*	*(−3,989,174,435)*
(Limitation on administrative expenses)	*(20,668,000)*	*(19,500,000)*	*(−1,168,000)*
(Limitation on program activity)	*(200,000,000)*	*(200,000,000)*	
(Rescission of loan authority)		*(−32,000,000)*	*(−32,000,000)*

Includes the following budget amendments:

H. Doc. 100-71:

Bilateral Economic Assistance:	
Agency for International Development:	
American schools and hospitals abroad	$9,200,000
Economic support fund	7,000,000
Military assistance	1,000,000
Total, H. Doc. 100-71	17,200,000

S. Doc. 100-15:

Bilateral Economic Assistance:	
Agency for International Development:	
Operating expenses of the Agency for International Development	−321,000
Operating expenses of the Agency for International Development, Office of the Inspector General	−13,000
Inter-American Foundation	−$20,000
African Development Foundation	−18,000
Export Assistance:	
Export-Import Bank of the United States *(limitation on administrative expenses)*	*(−134,000)*
Total, S. Doc. 100-15	−372,000
Total, budget amendments	−17,572,000

[1] Reappropriation amount is estimated.

[3] Amount reflects a deobligation of prior year loan agreement authority.

[4] Export-Import Bank budget authority in fiscal year 1988 is calculated as equal to the level of direct loans. Offsetting receipts calculated in previous years will no longer be included in setting new budget authority levels.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2783)

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1988 (H.R. 2783), was not approved by the Congress. The bill passed the House on September 22, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 15, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 2783. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 100-202 for those programs and activities normally included in H.R. 2783 (see pp. 305-330, this volume, for Sec. 101(f) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
HOUSING PROGRAMS			
Annual contributions for assisted housing *(contract authority)*	$3,994,889,313	$7,887,405,000	+$3,892,515,687
Rescission of assisted housing deobligations *(contract authority, indefinite)*	*(−347,800,000)*	[2] −204,700,000	[3] −204,700,000
Total, annual contributions for assisted housing *(net)*	3,994,889,313	7,682,705,000	+3,687,815,687
Rental housing assistance:			
Rescission of contract authority, indefinite	*(−52,000,000)*	[2] −52,000,000	[3] −52,000,000
(Limitation on annual contract authority, indefinite)	*(−2,000,000)*	*(−2,000,000)*	
Housing for the elderly or handicapped fund:			
(Limitation on direct loans)	*(131,474,000)*	*(565,776,000)*	*(+434,302,000)*
Authority to borrow, indefinite		556,176,000	+556,176,000
Congregate services		4,224,000	+4,224,000
Payments for operation of low-income housing projects	1,376,862,000	1,450,000,000	+73,138,000
Housing counseling assistance		3,360,000	+3,360,000
Emergency shelter grants program		8,000,000	+8,000,000
Transitional and supportive housing demonstration program	5,000,000	65,000,000	+60,000,000
Federal Housing Administration Fund	169,652,000	162,866,000	−6,786,000
Portion applied to debt reduction	−118,250,000	−118,250,000	
(Limitation on guaranteed loans)	*(70,000,000,000)*	*(96,000,000,000)*	*(+26,000,000,000)*
Temporary mortgage assistance payments *(limitation on direct loans)*	*(82,575,000)*	*(79,272,000)*	*(−3,303,000)*
Total, Federal Housing Administration Fund	51,402,000	44,616,000	−6,786,000
Nonprofit sponsor assistance *(limitation on direct loans)*	*(250,000)*	*(960,000)*	*(+710,000)*
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION			
Guarantees of mortgage-backed securities *(limitation on guaranteed loans)*	*(100,000,000,000)*	*(144,000,000,000)*	*(+44,000,000,000)*
Total, Housing Programs *(net)*	5,428,153,313	9,762,081,000	+4,333,927,687
SOLAR ENERGY AND ENERGY CONSERVATION BANK			
Assistance for solar and conservation improvements		1,500,000	+1,500,000
COMMUNITY PLANNING AND DEVELOPMENT			
Community development grants	2,509,800,000	2,880,000,000	+370,200,000
(Limitation on guaranteed loans)		*(144,000,000)*	*(+144,000,000)*
Urban development action grants		216,000,000	+216,000,000
Urban homesteading	12,000,000	14,400,000	+2,400,000
Total, Community Planning and Development	2,521,800,000	3,110,400,000	+588,600,000

See footnotes at end of table, p. 2466

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2783)—Continued

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1988 (H.R. 2783), was not approved by the Congress. The bill passed the House on September 22, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 15, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 2783. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 100-202 for those programs and activities normally included in H.R. 2783 (see pp. 305-330, this volume, for Sec. 101(f) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
POLICY DEVELOPMENT AND RESEARCH			
Research and technology	$18,900,000	$16,512,000	−$2,388,000
FAIR HOUSING AND EQUAL OPPORTUNITY			
Fair housing assistance	6,400,000	4,800,000	−1,600,000
MANAGEMENT AND ADMINISTRATION			
Salaries and expenses	308,819,000	308,119,000	−700,000
(By transfer, limitation on FHA corporate funds)	*(338,719,000)*	*(358,132,000)*	*(+19,413,000)*
Total, title I, Department of Housing and Urban Development:			
New budget *(obligational)* authority *(net)*	8,284,072,313	13,203,412,000	+4,919,339,687
Appropriations	(4,407,433,000)	(5,134,781,000)	(+727,348,000)
Portion applied to debt reduction	(−118,250,000)	(−118,250,000)	
Authority to borrow		(556,176,000)	(+556,176,000)
Contract authority	(3,994,889,313)	(7,887,405,000)	(+3,892,515,687)
Rescission of contract authority, indefinite	*(−399,800,000)*	(−256,700,000)	[2](−256,700,000)
(Limitation on annual contract authority, indefinite)	*(−2,000,000)*	*(−2,000,000)*	
(Limitation on direct loans)	*(214,299,000)*	*(646,008,000)*	*(+431,709,000)*
(Limitation on guaranteed loans)	*(170,000,000,000)*	*(240,144,000,000)*	*(+70,144,000,000)*
(Limitation on corporate funds to be expended)	*(338,719,000)*	*(358,132,000)*	*(+19,413,000)*
TITLE II			
INDEPENDENT AGENCIES			
AMERICAN BATTLE MONUMENTS COMMISSION			
Salaries and expenses	12,925,000	12,408,000	−517,000
CONSUMER PRODUCT SAFETY COMMISSION			
Salaries and expenses	34,188,000	32,696,000	−1,492,000
DEPARTMENT OF DEFENSE—CIVIL			
CEMETERIAL EXPENSES, ARMY			
Salaries and expenses	9,971,000	8,164,000	−1,807,000
ENVIRONMENTAL PROTECTION AGENCY			
Salaries and expenses	772,955,000	765,000,000	−7,955,000
Research and development	187,600,000	186,350,000	−1,250,000
Abatement, control, and compliance	515,085,000	606,192,000	+91,107,000
Buildings and facilities	6,000,000	23,500,000	+17,500,000
Subtotal, operating programs	1,481,640,000	1,581,042,000	+99,402,000
Hazardous substance superfund	1,198,422,000	1,128,000,000	−70,422,000
(Limitation on administrative expenses)	*(190,000,000)*	*(182,400,000)*	*(−7,600,000)*
Leaking underground storage tank trust fund		14,400,000	+14,400,000
(Limitation on administrative expenses)	*(5,000,000)*	*(4,800,000)*	*(−200,000)*
Construction grants	2,000,000,000	2,304,000,000	+304,000,000
Total, Environmental Protection Agency	4,680,062,000	5,027,442,000	+347,380,000

See footnotes at end of table, p. 2466.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2783)—Continued

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1988 (H.R. 2783), was not approved by the Congress. The bill passed the House on September 22, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 15, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 2783. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 100-202 for those programs and activities normally included in H.R. 2783 (see pp. 305-330, this volume, for Sec. 101(f) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
EXECUTIVE OFFICE OF THE PRESIDENT			
Council on Environmental Quality and Office of Environmental Quality	$862,000	$826,000	−$36,000
Office of Science and Technology Policy	1,987,000	1,888,000	−99,000
Total, Executive Office of the President	2,849,000	2,714,000	−135,000
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Disaster relief	125,000,000	120,000,000	−5,000,000
Salaries and expenses	131,084,000	125,841,000	−5,243,000
Emergency management planning and assistance	296,850,000	272,496,000	−24,354,000
Emergency food and shelter program	80,000,000	114,000,000	+34,000,000
Total, Federal Emergency Management Agency	632,934,000	632,337,000	−597,000
GENERAL SERVICES ADMINISTRATION			
Consumer Information Center	1,339,000	1,279,000	−60,000
(Limitation on administrative expenses)	*(1,721,000)*	*(1,652,000)*	*(−69,000)*
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Office of Consumer Affairs	1,119,000	1,670,000	+551,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Research and development	3,651,200,000	3,274,200,000	−377,000,000
(By transfer)		*(100,000,000)*	*(+100,000,000)*
Space flight, control and data communications	4,064,300,000	3,908,309,000	−155,991,000
Construction of facilities	195,500,000	178,272,000	−17,228,000
Research and program management	1,589,195,000	1,495,680,000	−93,515,000
Total, National Aeronautics and Space Administration	9,500,195,000	8,856,461,000	−643,734,000
NATIONAL CREDIT UNION ADMINISTRATION			
Central liquidity facility			
(Limitation on direct loans)	*(600,000,000)*	*(600,000,000)*	
(Limitation on administrative expenses, corporate funds)	*(847,000)*	*(813,000)*	*(−34,000)*
NATIONAL SCIENCE FOUNDATION			
Research and related activities	1,634,487,000	1,453,000,000	−181,487,000
Program development and management *(limitation on administrative expenses)*	*(94,487,000)*	*(84,480,000)*	*(−10,007,000)*
United States Antarctic Program activities	143,000,000	124,800,000	−18,200,000
Science education activities	115,000,000	139,200,000	+24,200,000
Total, National Science Foundation	1,892,487,000	1,717,000,000	−175,487,000
NEIGHBORHOOD REINVESTMENT CORPORATION			
Payment to the Neighborhood Reinvestment Corporation	18,669,000	18,720,000	+51,000
SELECTIVE SERVICE SYSTEM			
Salaries and expenses	26,520,000	25,459,000	−1,061,000

See footnotes at end of table, p. 2466

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2783)—Continued

[NOTE.—The Department of Housing and Urban Development—Independent Agencies Appropriations Bill, 1988 (H.R. 2783), was not approved by the Congress. The bill passed the House on September 22, 1987, and passed the Senate, amended on October 15, 1987. The Senate asked for a conference on the bill October 15, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 2783. Programs normally funded in this bill have been provided for under Sec. 101(f) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(f) of Public Law 100-202 for those programs and activities normally included in H.R. 2783 (see pp. 305-330, this volume, for Sec. 101(f) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
VETERANS ADMINISTRATION			
Compensation and pensions	$14,334,287,000	$14,334,287,000	
Readjustment benefits	625,700,000	625,700,000	
Veterans insurance and indemnities	14,290,000	14,290,000	
Medical care	9,907,850,000	10,094,808,000	+$186,958,000
Medical and prosthetic research	197,936,000	192,899,000	−5,037,000
Medical administration and miscellaneous operating expenses	49,613,000	46,628,000	−2,985,000
General operating expenses	811,394,000	762,810,000	−48,584,000
Construction, major projects	400,556,000	402,884,000	+2,328,000
Construction, minor projects	120,773,000	115,942,000	−4,831,000
(Limitation on administrative expenses)	*(42,473,000)*	*(40,774,000)*	*(−1,699,000)*
Parking garage revolving fund	4,100,000	3,936,000	−164,000
Grants for construction of State extended care facilities	42,000,000	40,320,000	−1,680,000
Grants to the Republic of the Philippines	500,000	480,000	−20,000
Direct loan revolving fund *(limitation on direct loans)*	*(1,000,000)*	*(1,000,000)*	
Loan guaranty revolving fund	389,800,000	389,800,000	
Total, Veterans Administration	26,898,799,000	27,024,784,000	+125,985,000
Total, title II, Independent Agencies:			
New budget *(obligational)* authority	43,712,057,000	43,361,134,000	−350,923,000
(By transfer)		*(100,000,000)*	*(+100,000,000)*
(Limitation on administrative expenses)	*(333,681,000)*	*(314,106,000)*	*(−19,575,000)*
(Limitation on direct loans)	*(601,000,000)*	*(601,000,000)*	
(Limitation on corporate funds to be expended)	*(847,000)*	*(813,000)*	*(−34,000)*
TITLE III			
CORPORATIONS			
Federal Home Loan Bank Board:			
(Limitation on administrative expenses, corporate funds)	*(30,013,000)*	*(30,313,000)*	*(+300,000)*
Federal Savings and Loan Insurance Corporation, *(limitation on administrative expenses, corporate funds)*	*(1,610,000)*	*(1,610,000)*	
Total, title III, Corporations	*(31,623,000)*	*(31,923,000)*	*(+300,000)*
Grand total, all titles:			
New budget *(obligational)* authority *(net)*	51,996,129,313	56,564,546,000	+4,568,416,687
Appropriations	(48,119,490,000)	(48,495,915,000)	(+376,425,000)
Portion applied to debt reduction	(−118,250,000)	(−118,250,000)	
Authority to borrow		(556,176,000)	(+556,176,000)
Contract authority	(3,994,889,313)	(7,887,405,000)	(+3,892,515,687)
Rescission of contract authority, indefinite	*(−399,800,000)*	(−256,700,000)	[2](−256,700,000)
(By transfer)		*(100,000,000)*	*(+100,000,000)*
(Limitation on administrative expenses)	*(333,681,000)*	*(314,106,000)*	*(−19,575,000)*
(Limitation on annual contract authority, indefinite)	*(−2,000,000)*	*(−2,000,000)*	
(Limitation on direct loans)	*(815,299,000)*	*(1,247,008,000)*	*(+431,709,000)*
(Limitation on guaranteed loans)	*(170,000,000,000)*	*(240,144,000,000)*	*(+70,144,000,000)*
(Limitation on corporate funds to be expended)	*(371,189,000)*	*(390,868,000)*	*(+19,679,000)*

See footnotes on next page.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2783)—Continued

[1]Includes the following budget amendments:

H. Doc. 100-51:	
Independent Agencies:	
Federal Emergency Management Agency:	
Emergency management planning and assistance	$20,000,000
H. Doc. 100-59:	
Independent Agencies:	
Environmental Protection Agency:	
Salaries and expenses	−1,100,000
Research and development	−2,400,000
Total, H. Doc. 100-59	−3,500,000
H. Doc. 100-71:	
Independent Agencies:	
Executive Office of the President:	
Office of Science and Technology Policy	103,000
S. Doc. 100-12:	
Independent Agencies:	
National Aeronautics and Space Administration:	
Research and development	25,000,000
S. Doc. 100-15:	
Department of Housing and Urban Development:	
Management and Administration	1,200,000
Independent Agencies:	
Consumer Product Safety Commission	212,000
Department of Defense—Civil:	
Cemeterial Expenses, Army	33,000
Environmental Protection Agency:	
Salaries and expenses	4,273,000
Hazardous substance superfund	1,378,000
Executive Office of the President:	
Office of Science and Technology Policy	13,000
Federal Emergency Management Agency:	
Salaries and expenses	−$460,000
National flood insurance fund (*limitation on administrative expenses*)	(−45,000)
National Aeronautics and Space Administration:	
Research and program management	−8,805,000
National Science Foundation:	
Research and related activities	−513,000
Veterans' Administration:	
Medical care	−59,758,000
Medical and prosthetic research	−830,000
Medical administration and miscellaneous operating expenses	235,000
General operating expenses	4,706,000
Construction, minor projects	−265,000
(*Limitation on administrative expenses*)	(−265,000)
Corporations:	
Federal Home Loan Bank Board:	
Federal Home Loan Bank Board revolving fund (*limitation on administrative expenses*)	(−173,000)
Federal Savings and Loan Insurance Corporation fund (*limitation on administrative expenses*)	(−9,000)
Total, S. Doc. 100-15	−83,071,000
S. Doc. 100-16:	
Independent Agencies:	
Department of Defense—Civil:	
Cemeterial Expenses, Army	1,500,000
Total, budget amendments (*net*)	37,174,000

[2]Indefinite amount; estimated.

[3]Reflects actual rescission rather than comparison with request.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2712)

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1988 (H.R. 2712), was not approved by the Congress. The bill passed the House on June 25, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2712. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 100-202 for those programs and activities normally included in H.R. 2712 (see pp. 331-371, this volume, for Sec. 101(g) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE INTERIOR			
BUREAU OF LAND MANAGEMENT			
Management of lands and resources	$405,653,000	$498,983,000	+$93,330,000
Construction and access	1,275,000	3,430,000	+2,155,000
Payments in lieu of taxes	105,000,000	105,000,000	
Land acquisition	10,000	8,885,000	+8,875,000
Oregon and California grant lands	53,678,000	58,475,000	+4,797,000
Range improvements *(indefinite)*	8,506,000	8,506,000	
Service charges, deposits and forfeitures *(indefinite)*	7,195,000	7,195,000	
Miscellaneous trust funds *(indefinite)*	100,000	100,000	
Total, Bureau of Land Management	581,417,000	690,574,000	+109,157,000
UNITED STATES FISH AND WILDLIFE SERVICE			
Resource management	300,542,000	342,594,000	+42,052,000
Construction and anadromous fish	8,652,000	25,062,000	+16,410,000
Migratory bird conservation account		1,000,000	+1,000,000
Land acquisition	1,624,000	51,754,000	+50,130,000
National Wildlife Refuge Fund	5,645,000	5,645,000	
Total, United States Fish and Wildlife Service	316,463,000	426,055,000	+109,592,000
NATIONAL PARK SERVICE			
Operation of the national park system	711,980,000	730,799,000	+18,819,000
Park receipts transfer to general fund *(indefinite)*		−35,000,000	−35,000,000
Total, operation of the national park system	711,980,000	695,799,000	−16,181,000
National recreation and preservation	10,249,000	12,935,000	+2,686,000
Historic preservation fund		28,250,000	+28,250,000
Urban park and recreation fund *(rescission)*		−1,900,000	−1,900,000
Construction	30,798,000	93,017,000	+62,219,000
(Liquidation of contract authority)		*(31,000,000)*	*(+31,000,000)*
Land and water conservation fund *(rescission of contract authority)*		−30,000,000	−30,000,000
Land acquisition and state assistance	15,957,000	60,749,000	+44,792,000
John F. Kennedy Center for the Performing Arts	4,904,000	4,904,000	
Illinois and Michigan Canal National Heritage Corridor Commission		250,000	+250,000
Total, National Park Service *(net)*	773,888,000	864,004,000	+90,116,000
GEOLOGICAL SURVEY			
Surveys, investigations, and research	416,976,000	447,747,000	+30,771,000
MINERALS MANAGEMENT SERVICE			
Leasing and royalty management	167,817,000	168,717,000	+900,000
Payments to States from receipts under Mineral Leasing	750,000		−750,000
Total, Minerals Management Service	168,567,000	168,717,000	+150,000
BUREAU OF MINES			
Mines and minerals	117,843,000	146,398,000	+28,555,000

See footnote at end of table, p. 2472.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2712)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1988 (H.R. 2712), was not approved by the Congress. The bill passed the House on June 25, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2712. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 100-202 for those programs and activities normally included in H.R. 2712 (see pp. 331-371, this volume, for Sec. 101(g) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT			
Regulation and technology	$105,340,000	$102,125,000	−$3,215,000
Abandoned mine reclamation fund *(definite, trust fund)*	186,680,000	199,380,000	+12,700,000
Total, Office of Surface Mining Reclamation and Enforcement	292,020,000	301,505,000	+9,485,000
BUREAU OF INDIAN AFFAIRS			
Operation of Indian Programs	907,509,000	970,756,000	+63,247,000
Construction	57,831,000	83,225,000	+25,394,000
Road Construction		1,000,000	+1,000,000
Miscellaneous payments to Indians	13,628,000	13,340,000	−288,000
Miscellaneous trust funds:			
Tribal trust funds	1,000,000	1,000,000	
Revolving fund for loans	2,912,000		−2,912,000
(Limitation on direct loans)	*(12,000,000)*		*(−12,000,000)*
Indian loan guaranty and insurance fund	12,094,000	3,085,000	−9,009,000
(Limitation on guaranteed loans)	*(41,500,000)*		*(−33,500,000)*
Total, miscellaneous trust funds	16,006,000	4,085,000	−11,921,000
Total, Bureau of Indian Affairs	994,974,000	1,072,406,000	+77,432,000
TERRITORIAL AND INTERNATIONAL AFFAIRS			
Administration of territories	61,919,000	78,235,000	+16,316,000
Trust Territory of the Pacific Islands	14,820,000	41,940,000	+27,120,000
Compact of Free Association	27,920,000	33,620,000	+5,700,000
Total, Territorial Affairs	104,659,000	153,795,000	+49,136,000
DEPARTMENTAL OFFICES			
Office of the Secretary	50,745,000	47,529,000	−3,216,000
Office of the Solicitor	24,665,000	23,053,000	−1,612,000
Office of Inspector General	17,989,000	17,757,000	−232,000
Construction Management		1,800,000	+1,800,000
Total, Departmental Offices	93,389,000	90,129,000	−3,260,000
Total, title I, Department of the Interior			
New budget *(obligational)* authority *(net)*	3,860,196,000	4,361,330,000	+501,134,000
Appropriations	(3,860,196,000)	(4,393,230,000)	(+533,034,000)
Definite	(3,844,395,000)	(4,412,429,000)	(+568,034,000)
Indefinite	(15,801,000)	(−19,199,000)	(−35,000,000)
Rescissions		(−31,900,000)	(−31,900,000)
(Liquidation of contract authority)		*(11,000,000)*	*(+11,000,000)*
(Limitation on direct loans)	*(12,000,000)*		*(−12,000,000)*
(Limitation on guaranteed loans)	*(41,500,000)*		*(−33,500,000)*
TITLE II—RELATED AGENCIES			
DEPARTMENT OF AGRICULTURE			
FOREST SERVICE			
Forest research	121,685,000	135,510,000	+13,825,000
State and private forestry	35,334,000	76,469,000	+41,135,000

See footnote at end of table, p. 2472.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2712)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1988 (H.R. 2712) was not approved by the Congress. The bill passed the House on June 25, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action occurred on H.R. 2712. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 100-202 for those programs and activities normally included in H.R. 2712 (see pp. 331-371, this volume, for Sec. 101(g) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−) appropriations compared with estimates
National forest system	$1,011,221,000	$1,243,391,000	+ $232,170,000
Construction	220,751,000	214,078,000	− 6,673,000
Timber receipts transfer to General Fund *(indefinite)*	*(−75,051,000)*	*(−75,051,000)*	
Timber purchaser credits	*(117,799,000)*		*(−117,799,000)*
Land acquisition	3,888,000	49,076,000	+ 45,188,000
Timber roads, purchaser election, forest service *(permanent)*		75,000,000	+ 75,000,000
Timber Salvage Sales		37,000,000	+ 37,000,000
Operation and maintenance of recreation facilities	− 52,000,000		− 52,000,000
Acquisition of lands for national forests, special acts	966,000	966,000	
Acquisition of lands to complete land exchanges *(indefinite)*	990,000	990,000	
Range betterment fund *(indefinite)*	3,750,000	3,750,000	
Miscellaneous trust funds	90,000	90,000	
Total, Department of Agriculture *(net)*	1,450,675,000	1,686,320,000	+ 235,645,000
DEPARTMENT OF ENERGY			
Clean coal technology			
Appropriation, fiscal year 1988	350,000,000	50,000,000	− 300,000,000
Advance appropriation, fiscal year 1989	500,000,000	525,000,000	+ 25,000,000
Advance appropriation, fiscal year 1990	500,000,000		− 500,000,000
Advance appropriation, fiscal year 1991	500,000,000		− 500,000,000
Advance appropriation, fiscal year 1992	500,000,000		− 500,000,000
Total, clean coal technology	2,350,000,000	575,000,000	− 1,775,000,000
Fossil energy research and development	149,652,000	326,975,000	+ 177,323,000
(By transfer)	*(500,000)*	*(20,894,000)*	*(+ 20,394,000)*
Naval petroleum and oil shale reserves	159,663,000	159,663,000	
Energy conservation	85,985,000	309,517,000	+ 223,532,000
Economic regulation	21,565,000	21,565,000	
Emergency preparedness	6,172,000	6,172,000	
Strategic Petroleum Reserve	164,162,000	164,162,000	
SPR petroleum account	842,934,000	438,744,000	− 404,190,000
Energy Information Administration	61,398,000	61,398,000	
Total, Department of Energy			
New budget *(obligational)* authority	3,841,531,000	2,063,196,000	− 1,778,335,000
Appropriations, fiscal year 1988	(1,841,531,000)	(1,538,196,000)	(− 303,335,000)
Advance appropriation, fiscal year 1989	(500,000,000)	(525,000,000)	(+ 25,000,000)
Advance appropriation, fiscal year 1990	(500,000,000)		(− 500,000,000)
Advance appropriation, fiscal year 1991	(500,000,000)		(− 500,000,000)
Advance appropriation, fiscal year 1992	(500,000,000)		(− 500,000,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH RESOURCES AND SERVICES ADMINISTRATION			
Indian health services	794,866,000	943,297,000	+ 148,431,000
Indian health facilities		62,511,000	+ 62,511,000
Total, Department of Health and Human Services	794,866,000	1,005,808,000	+ 210,942,000
DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Indian education	64,217,000	66,326,000	+ 2,109,000

See footnote at end of table, p. 2472

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2712)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1988 (H.R. 2712), was not approved by the Congress. The bill passed the House on June 25, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action occurred on H.R. 2712. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 100-202 for those programs and activities normally included in H.R. 2712 (see pp. 331-371, this volume, for Sec. 101(g) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
OTHER RELATED AGENCIES			
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION			
Salaries and expenses	$21,490,000	$25,270,000	+ $3,780,000
SMITHSONIAN INSTITUTION			
Salaries and expenses	203,798,000	201,432,000	− 2,366,000
Construction and improvements, National Zoological Park	5,150,000	8,150,000	+ 3,000,000
Restoration and renovation of buildings	14,254,000	19,254,000	+ 5,000,000
Construction	4,470,000	1,315,000	− 3,155,000
Subtotal, Smithsonian Institution	227,672,000	230,151,000	+ 2,479,000
NATIONAL GALLERY OF ART			
Salaries and expenses	37,064,000	37,352,000	+ 288,000
Repair, restoration and renovation of buildings	400,000		− 400,000
Subtotal, National Gallery of Art	37,464,000	37,352,000	− 112,000
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS			
Salaries and expenses	3,994,000	4,028,000	+ 34,000
Total, Smithsonian Institution	269,130,000	271,531,000	+ 2,401,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES			
NATIONAL ENDOWMENT FOR THE ARTS			
Grants and administration	119,195,000	139,311,000	+ 20,116,000
Matching grants	25,900,000	28,420,000	+ 2,520,000
Total, National Endowment for the Arts	145,095,000	167,731,000	+ 22,636,000
NATIONAL ENDOWMENT FOR THE HUMANITIES			
Grants and administration	99,734,000	111,935,000	+ 12,201,000
Matching grants	27,051,000	28,500,000	+ 1,449,000
Total, National Endowment for the Humanities	126,785,000	140,435,000	+ 13,650,000
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS			
Grants		4,500,000	+ 4,500,000
INSTITUTE OF MUSEUM SERVICES			
Grants and administration	19,246,000	21,944,000	+ 2,698,000
Total, National Foundation of the Arts and the Humanities	291,126,000	334,610,000	+ 43,484,000
COMMISSION OF FINE ARTS			
Salaries and expenses	443,000	443,000	
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Salaries and expenses	1,734,000	1,719,000	− 15,000

See footnote at end of table, p. 2472.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2712)—Continued

[NOTE.—The Department of the Interior and Related Agencies Appropriations Bill, 1988 (H.R. 2712), was not approved by the Congress. The bill passed the House on June 25, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2712. Programs normally funded in this bill have been provided for under Sec. 101(g) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(g) of Public Law 100-202 for those programs and activities normally included in H.R. 2712 (see pp. 331-371, this volume, for Sec. 101(g) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
NATIONAL CAPITAL PLANNING COMMISSION			
Salaries and expenses	$2,948,000	$2,948,000	
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION			
Salaries and expenses	28,000	28,000	
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION			
Salaries and expenses	2,516,000	2,516,000	
Public development	3,000,000	3,000,000	
Total, Pennsylvania Avenue Development Corporation	5,516,000	5,516,000	
UNITED STATES HOLOCAUST MEMORIAL COUNCIL			
Holocaust Memorial Council	2,174,000	2,171,000	−$3,000
Total, title II, Related Agencies:			
New budget *(obligational)* authority *(net)*	6,745,878,000	5,465,886,000	−1,279,992,000
Appropriations, fiscal year 1988 *(net)*	(4,745,878,000)	(4,940,886,000)	(+195,008,000)
Appropriations	(4,745,878,000)	(5,015,886,000)	(+270,008,000)
Definite	(4,741,138,000)	(5,011,146,000)	(+270,008,000)
Indefinite	(4,740,000)	(4,740,000)	
Rescission		(−75,000,000)	(−75,000,000)
Advance appropriation, fiscal year 1989	(500,000,000)	(525,000,000)	(+25,000,000)
Advance appropriation, fiscal year 1990	(500,000,000)		(−500,000,000)
Advance appropriation, fiscal year 1991	(500,000,000)		(−500,000,000)
Advance appropriation, fiscal year 1992	(500,000,000)		(−500,000,000)
(Timber receipt transfer to general fund, indefinite)	*(−75,023,000)*	*(−75,023,000)*	
(Timber purchaser credits)	*(117,799,000)*		*(−117,799,000)*
(By transfer)	*(500,000)*	*(20,894,000)*	*(+20,394,000)*
Grant total, all titles:			
New budget *(obligational)* authority *(net)*	10,606,074,000	9,827,216,000	−778,858,000
Appropriations, fiscal year 1988 *(net)*	(8,606,074,000)	(9,302,216,000)	(+696,142,000)
Appropriations	(8,606,074,000)	(9,409,116,000)	(+803,042,000)
Definite	(8,585,533,000)	(9,423,575,000)	(+838,042,000)
Indefinite	(20,541,000)	(−14,459,000)	(−35,000,000)
Rescissions		(−106,900,000)	(−106,900,000)
Advance appropriation, fiscal year 1989	(500,000,000)	(525,000,000)	(+25,000,000)
Advance appropriation, fiscal year 1990	(500,000,000)		(−500,000,000)
Advance appropriation, fiscal year 1991	(500,000,000)		(−500,000,000)
Advance appropriation, fiscal year 1992	(500,000,000)		(−500,000,000)
(Liquidation of contract authority)		*(31,000,000)*	*(+31,000,000)*
(Limitation on direct loans)	*(13,000,000)*		*(−13,000,000)*
(Limitation on guaranteed loans)	*(33,500,000)*		*(−33,500,000)*
(Timber receipt transfer to general fund, indefinite)	*(−75,023,000)*	*(−75,023,000)*	
(Timber purchaser credits)	*(117,799,000)*		*(−117,799,000)*
(By transfer)	*(500,000)*	*(20,894,000)*	*(+20,394,000)*

See footnote on next page

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1988 (H.R. 2712)—Continued

Includes the following budget amendments:	
H. Doc. 100-59:	
Related Agencies:	
Department of Energy:	
Clean coal technology:	
Fiscal year 1988	$500,000,000
Fiscal year 1989	500,000,000
Fiscal year 1990	500,000,000
Fiscal year 1991	500,000,000
Fiscal year 1992	500,000,000
Fossil energy research and development	19,000,000
Total, H. Doc. 100-59 (net)	2,181,000,000
S. Doc. 100-14:	
Related Agencies:	
Department of Energy:	
Strategic petroleum reserve	21,788,000
SPR petroleum	715,190,000
Total, S. Doc. 100-14	736,978,000
S. Doc. 100-15:	
Department of the Interior:	
Bureau of Land Management:	
Management of lands and resources	2,293,000
Construction and access	6,000
Oregon and California grant lands	270,000
United States Fish and Wildlife Service:	
Resource management	1,661,000
Construction	5,000
Land acquisition	15,000
National Park Service:	
Operation of the national park system	2,864,000
National recreation and preservation	68,000
Construction	192,000
Land acquisition	74,000
John F. Kennedy Center for the Performing Arts	16,000
Geological Survey:	
Surveys, investigations and research	3,292,000
Minerals Management Service:	
Minerals and royalty management	746,000
Bureau of Mines: Mines and minerals	782,000
Office of Surface Mining Reclamation and Enforcement:	
Regulation and technology	265,000
Abandoned mine reclamation fund	139,000
Bureau of Indian Affairs:	
Operation of Indian programs	2,672,000
Construction	63,000
Territorial and International Affairs:	
Administration of territories	−$14,000
Office of the Secretary	241,000
Office of the Solicitor	129,000
Office of Inspector General	101,000
Related Agencies:	
Department of Agriculture:	
Forest Service:	
Forest research	527,000
State and private forestry	100,000
National forest system	5,196,000
Construction	792,000
Land acquisition	19,000
Department of Energy:	
Fossil energy research and development	248,000
Naval petroleum and oil shale reserves	37,000
Energy conservation	165,000
Economic regulation	115,000
Emergency preparedness	34,000
Strategic petroleum reserve	63,000
Energy Information Administration	201,000
Department of Health and Human Services:	
Health Resources and Services Administration:	
Indian health	1,969,000
Department of Education:	
Office of Elementary and Secondary Education:	
Indian education	17,000
Other Related Agencies:	
Smithsonian Institution	1,064,000
National Gallery of Art	195,000
Woodrow Wilson International Center for Scholars	4,000
National endowment for the arts: Grants and administration	105,000
National endowment for the humanities: Grants and administration	105,000
Institute of Museum Services: Grants and administration	4,000
Commission of Fine Arts	3,000
National Capital Planning Commission	19,000
Pennsylvania Avenue Development Corporation:	
Salaries and expenses	15,000
United States Holocaust Memorial Council	9,000
Total, S. Doc. 100-15	26,744,000
Total, budget amendments (net)	2,891,234,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1988 (H.R. 3058), was not approved by the Congress. The bill passed the House on August 5, 1987, and passed the Senate, amended on October 14, 1987. The Senate asked for a conference on the bill October 14, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 3058. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 100-202 for those programs and activities normally included in H.R. 3058 (see pp. 371-404, this volume, for Sec. 101(h) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1,2,3,4,10]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF LABOR			
EMPLOYMENT AND TRAINING ADMINISTRATION			
Program administration	$73,691,000	$70,872,000	−$2,819,000
(Limitation on trust fund transfer)	*(43,331,000)*	*(44,380,000)*	*(+1,049,000)*
Training and employment services	3,285,548,000	3,805,133,000	+519,585,000
Community service employment for older Americans	326,000,000	331,260,000	+5,260,000
Federal unemployment benefits and allowances	141,000,000	141,000,000	
State unemployment insurance and employment service operations	23,400,000	22,403,000	−997,000
(Limitation on trust fund transfer)	[5]*(2,339,785,000)*	*(2,418,405,000)*	*(+78,620,000)*
Advances to the Unemployment Trust Fund and other funds	30,000,000	30,000,000	
Total, Employment and Training Administration	3,879,639,000	4,400,668,000	+521,029,000
LABOR-MANAGEMENT SERVICES			
Salaries and expenses	[6]82,073,000	76,776,000	−5,297,000
PENSION BENEFIT GUARANTY CORPORATION			
Pension Benefit Guaranty Corporation fund *(limitation on trust fund transfer)*	*(40,446,000)*	*(38,329,000)*	*(−2,117,000)*
EMPLOYMENT STANDARDS ADMINISTRATION			
Salaries and expenses	[7]219,635,000	207,709,000	−11,926,000
(Limitation on trust fund transfer)	*(488,000)*	*(467,000)*	*(−21,000)*
Special benefits	174,000,000	174,000,000	
Black Lung Disability Trust Fund:			
Definite	647,444,000	649,169,000	+1,725,000
Indefinite	39,556,000	39,556,000	
Total, Black Lung Disability Trust Fund	687,000,000	688,725,000	+1,725,000
Total, Employment Standards Administration	1,080,635,000	1,070,434,000	−10,201,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	[8]245,860,000	235,474,000	−10,386,000
MINE SAFETY AND HEALTH ADMINISTRATION			
Salaries and expenses	167,288,000	160,193,000	−7,095,000
BUREAU OF LABOR STATISTICS			
Salaries and expenses	185,286,000	176,481,000	−8,805,000
(Limitation on trust fund transfer)	*(43,419,000)*	*(41,569,000)*	*(−1,850,000)*

See footnotes at end of table, pp. 2479-2480.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1988 (H.R. 3058), was not approved by the Congress. The bill passed the House on August 5, 1987, and passed the Senate, amended on October 14, 1987. The Senate asked for a conference on the bill October 14, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 3058. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 100-202 for those programs and activities normally included in H.R. 3058 (see pp. 371-404, this volume, for Sec. 101(h) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1,2,3,4,5]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	[1] $121,641,000	$114,929,000	−$6,712,000
(Limitation on trust fund transfer)	*(291,000)*	*(274,000)*	*(−17,000)*
Assistant Secretary for Veterans Employment and Training *(limitation on trust fund transfer)*	*(138,565,000)*	*(139,614,000)*	*(+1,049,000)*
Office of the Inspector General	38,600,000	37,051,000	−1,549,000
(Limitation on trust fund transfer)	*(6,568,000)*	*(6,201,000)*	*(−367,000)*
Total, Departmental Management	160,241,000	151,980,000	−8,261,000
Total, title I, Department of Labor:			
New budget *(obligational)* authority	5,801,022,000	6,272,006,000	+470,984,000
Definite	(5,761,466,000)	(6,232,450,000)	(+470,984,000)
Indefinite	(39,556,000)	(39,556,000)	
(Limitation on trust fund transfers)	*(2,612,893,000)*	*(2,689,239,000)*	*(+76,346,000)*
TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH RESOURCES AND SERVICES ADMINISTRATION			
Health resources and services	[2] 1,251,036,000	1,556,265,000	+305,229,000
(Limitation on direct loans)	*(1,000,000)*	*(957,000)*	*(−43,000)*
Medical facilities guarantee and loan fund: Federal interest subsidies for medical facilities	22,000,000	22,000,000	
Total, Health Resources and Services Administration	1,273,036,000	1,578,265,000	+305,229,000
CENTERS FOR DISEASE CONTROL			
Disease control, research, and training	[3] 674,456,000	771,772,000	+97,316,000
NATIONAL INSTITUTES OF HEALTH			
National Cancer Institute	1,311,873,000	1,469,327,000	+157,454,000
National Heart, Lung, and Blood Institute	826,903,000	965,536,000	+138,633,000
National Institute of Dental Research	108,576,000	126,297,000	+17,721,000
National Institute of Diabetes and Digestive and Kidney Diseases	444,004,000	534,733,000	+90,729,000
National Institute of Neurological and Communicative Disorders and Stroke	433,005,000	534,692,000	+101,687,000
National Institute of Allergy and Infectious Diseases	572,752,000	638,800,000	+66,048,000
National Institute of General Medical Sciences	484,504,000	632,676,000	+148,172,000
National Institute of Child Health and Human Development	322,532,000	396,811,000	+74,279,000
National Eye Institute	188,564,000	224,947,000	+36,383,000
National Institute of Environmental Health Sciences	200,947,000	215,666,000	+14,719,000
National Institute on Aging	156,174,000	194,746,000	+38,572,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases	123,009,000	147,679,000	+24,670,000
Research resources	280,415,000	368,153,000	+87,738,000
National Center for Nursing Research	16,530,000	23,380,000	+6,850,000
John E. Fogarty International Center	12,366,000	15,651,000	+3,285,000

See footnotes at end of table, pp. 2479-2480.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1988 (H.R. 3058), was not approved by the Congress. The bill passed the House on August 5, 1987, and passed the Senate, amended on October 14, 1987. The Senate asked for a conference on the bill October 14, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 3058. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 100-202 for those programs and activities normally included in H.R. 3058 (see pp. 371-404, this volume, for Sec. 101(h) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1,2,3,4,10]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
National Library of Medicine	$64,399,000	$67,910,000	+$3,511,000
Office of the Director	61,284,000	61,819,000	+535,000
Buildings and facilities	5,000,000	47,870,000	+42,870,000
Total, National Institutes of Health	[5,6]5,612,837,000	6,666,693,000	+1,053,856,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Alcohol, drug abuse, and mental health	[7]1,084,708,000	1,373,727,000	+289,019,000
Federal subsidy for Saint Elizabeths Hospital	68,312,000	65,402,000	−2,910,000
New advance, biennial budget, fiscal year 1989	24,000,000		−24,000,000
Total, Alcohol, Drug Abuse, and Mental Health Administration	1,177,020,000	1,439,129,000	+262,109,000
OFFICE OF ASSISTANT SECRETARY FOR HEALTH			
Public Health Service management	[2,3]108,288,000	106,737,000	−1,551,000
(Limitation on trust fund transfer)	*(1,050,000)*	*(2,920,000)*	*(+1,870,000)*
Retirement pay and medical benefits for commissioned officers *(indefinite)*	94,176,000	89,176,000	−5,000,000
New advance, biennial budget, fiscal year 1989 *(indefinite)*	100,350,000		−100,350,000
Total, Assistant Secretary for Health	302,814,000	195,913,000	−106,901,000
Total, Public Health Service:			
New budget *(obligational)* authority	9,040,163,000	10,651,772,000	+1,611,609,000
Appropriations, definite	(8,821,637,000)	(10,562,596,000)	(+1,740,959,000)
Appropriations, indefinite	(94,176,000)	(89,176,000)	(−5,000,000)
(Limitation on direct loans)	*(1,000,000)*	*(957,000)*	*(−43,000)*
(Limitation on trust fund transfer)	*(1,050,000)*	*(2,920,000)*	*(+1,870,000)*
HEALTH CARE FINANCING ADMINISTRATION			
Grants to States for Medicaid	28,120,000,000	[8]30,046,000,000	+1,926,000,000
Appropriation available from prior year advance	−7,100,000,000	−7,100,000,000	
Total, fiscal year 1988 appropriation current request	21,020,000,000	22,946,000,000	+1,926,000,000
New advance, biennial budget, fiscal year 1989	30,870,000,000	8,000,000,000	−22,870,000,000
New advance, biennial budget, fiscal year 1990	8,500,000,000		−8,500,000,000
Total, grants to States for Medicaid	60,390,000,000	30,946,000,000	−29,444,000,000
Payments to health care trust funds	25,627,000,000	25,893,000,000	+266,000,000
New advance, biennial budget, fiscal year 1989	30,306,000,000		−30,306,000,000
Program management	105,750,000	98,211,000	−7,539,000
(Limitation on trust fund transfer)	*(1,312,580,000)*	*(1,373,585,000)*	*(+61,005,000)*
Total, Health Care Financing Administration:			
New budget *(obligational)* authority	116,428,750,000	56,937,211,000	−59,491,539,000
Appropriations, fiscal year 1988	(46,752,750,000)	(48,937,211,000)	(+2,184,461,000)
Advance appropriations, fiscal year 1989	(61,176,000,000)	(8,000,000,000)	(−53,176,000,000)
Advance appropriations, fiscal year 1990	(8,500,000,000)		(−8,500,000,000)
(Limitation on trust fund transfer)	*(1,312,580,000)*	*(1,373,585,000)*	*(+61,005,000)*

See footnotes at end of table, pp. 2479-2480.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1988 (H.R. 3058), was not approved by the Congress. The bill passed the House on August 5, 1987, and passed the Senate, amended on October 14, 1987. The Senate asked for a conference on the bill October 14, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 3058. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 100-202 for those programs and activities normally included in H.R. 3058 (see pp. 371-404, this volume, for Sec. 101(h) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1,2,3,4,5]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
SOCIAL SECURITY ADMINISTRATION			
Payments to social security trust funds	$105,298,000	$105,298,000	
New advance, biennial budget, fiscal year 1989	93,291,000		−$93,291,000
Special benefits for disabled coal miners:			
Direct appropriation	903,902,000	[5]915,902,000	+12,000,000
Appropriation available from prior year advance	−252,450,000	−252,450,000	
Total, fiscal year 1988 appropriation current request	651,452,000	663,452,000	+12,000,000
New advance, biennial budget, fiscal year 1989	862,590,000	250,000,000	−612,590,000
New advance, biennial budget, fiscal year 1990	220,050,000		−220,050,000
Total, special benefits for disabled coal miners	1,734,092,000	913,452,000	−820,640,000
Supplemental security income program:			
Direct appropriation	12,302,933,000	[5]12,300,384,000	−2,549,000
Appropriation available from prior year advance	−2,765,000,000	−2,765,000,000	
Total, fiscal year 1988 appropriation current request	9,537,933,000	9,535,384,000	−2,549,000
New advance, biennial budget, fiscal year 1989	12,102,224,000	3,000,000,000	−9,102,224,000
New advance, biennial budget, fiscal year 1990	2,684,000,000		−2,684,000,000
Total, supplemental security income program	24,324,157,000	12,535,384,000	−11,788,773,000
(Limitation on administrative expenses, trust funds)	*(3,805,121,000)*	*(3,524,114,000)*	*(−281,007,000)*
Total, Social Security Administration:			
New budget *(obligational)* authority	26,256,838,000	13,554,134,000	−12,702,704,000
Appropriations, fiscal year 1988	(10,294,683,000)	(10,304,134,000)	(+9,451,000)
Advance appropriations, fiscal year 1989	(13,058,105,000)	(3,250,000,000)	(−9,808,105,000)
Advance appropriations, fiscal year 1990	(2,904,050,000)		(−2,904,050,000)
(Limitation on administrative expenses)	*(3,805,121,000)*	*(3,524,114,000)*	*(−281,007,000)*
FAMILY SUPPORT ADMINISTRATION			
Family support payments to States:			
Direct appropriation	10,243,668,000	[5]11,125,000,000	+881,332,000
Appropriation available from prior year advance	−2,480,615,000	−2,480,615,000	
Total, fiscal year 1988 appropriation current request	7,763,053,000	8,644,385,000	+881,332,000
New advance, biennial budget, fiscal year 1989	10,107,868,000	2,500,000,000	−7,607,868,000
New advance, biennial budget, fiscal year 1990	2,673,942,000		−2,673,942,000
Total, family support payments to States	20,544,863,000	11,144,385,000	−9,400,478,000
Low income home energy assistance	1,237,000,000	1,531,840,000	+294,840,000
Refugee and entrant assistance	253,329,000	346,933,000	+93,604,000
Work incentives		92,551,000	+92,551,000
Community services block grant	310,000,000	382,290,000	+72,290,000
Program administration	75,796,000	79,464,000	+3,668,000
Total, Family Support Administration:			
New budget *(obligational)* authority	22,420,988,000	13,577,463,000	−8,843,525,000
Appropriations, fiscal year 1988	(9,639,178,000)	(11,077,463,000)	(+1,438,285,000)
Advance appropriations, fiscal year 1989	(10,107,868,000)	(2,500,000,000)	(−7,607,868,000)

See footnotes at end of table, pp. 2479-2480.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1988 (H.R. 3058), was not approved by the Congress. The bill passed the House on August 5, 1987, and passed the Senate, amended on October 14, 1987. The Senate asked for a conference on the bill October 14, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 3058. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 100-202 for those programs and activities normally included in H.R. 3058 (see pp. 371-404, this volume, for Sec. 101(h) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1,2,3,4,5,6]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES			
Social Services Block Grant	$2,700,000,000	$2,700,000,000	
Human development services	2,277,366,000	2,455,532,000	+ $178,166,000
Family Social Services	682,040,000	811,178,000	+ 129,138,000
Total, Assistant Secretary for Human Development Services	5,659,406,000	5,966,710,000	+ 307,304,000
DEPARTMENTAL MANAGEMENT			
General departmental management	67,135,000	67,840,000	+ 705,000
(Limitation on trust fund transfer)	*(7,000,000)*	*(6,702,000)*	*(− 298,000)*
Office of the Inspector General	38,439,000	35,769,000	− 2,670,000
(Limitation on trust fund transfer)	*(40,000,000)*	*(38,296,000)*	*(− 1,704,000)*
Office for Civil Rights	17,395,000	16,343,000	− 1,052,000
(Limitation on trust fund transfer)	*(4,000,000)*	*(3,830,000)*	*(− 170,000)*
Policy research	5,090,000	4,873,000	− 217,000
Total, Departmental Management:			
New budget *(obligational)* authority	128,059,000	124,825,000	− 3,234,000
(Limitation on trust fund transfer)	*(51,000,000)*	*(48,828,000)*	*(− 2,172,000)*
Total, title II, Department of Health and Human Services:			
New budget *(obligational)* authority	179,934,204,000	100,812,115,000	− 79,122,089,000
Appropriations, fiscal year 1988	(81,389,889,000)	(87,062,115,000)	(+ 5,672,226,000)
Definite	(81,295,713,000)	(86,972,939,000)	(+ 5,677,226,000)
Indefinite	(94,176,000)	(89,176,000)	(− 5,000,000)
Advance appropriations, fiscal year 1989	(84,466,323,000)	(13,750,000,000)	(− 70,716,323,000)
Advance appropriations, fiscal year 1990	(14,077,992,000)		(− 14,077,992,000)
(Limitation on administrative expenses)	*(3,805,121,000)*	*(3,524,114,000)*	*(− 281,007,000)*
(Limitation on trust fund transfers)	*(1,364,630,000)*	*(1,425,333,000)*	*(+ 60,703,000)*
(Limitation on direct loans)	*(1,000,000)*	*(957,000)*	*(− 43,000)*
TITLE III—DEPARTMENT OF EDUCATION			
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION			
Compensatory education for the disadvantaged	[8] 4,144,163,000	4,336,543,000	+ 192,380,000
School assistance in federally affected areas (Impact aid)	548,000,000	708,476,000	+ 160,476,000
Special programs	[7] 784,337,000	1,040,312,000	+ 255,975,000
Bilingual education	143,095,000	191,751,000	+ 48,656,000
Total, Office of Elementary and Secondary Education	5,619,595,000	6,277,082,000	+ 657,487,000
OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES			
Education for the handicapped	1,488,181,000	1,869,019,000	+ 380,838,000
Rehabilitation services and handicapped research	1,401,123,000	1,590,400,000	+ 189,277,000
Total, Office of Special Education and Rehabilitation Services	2,889,304,000	3,459,419,000	+ 570,115,000
OFFICE OF VOCATIONAL AND ADULT EDUCATION			
Vocational and adult education	130,000,000	1,005,557,000	+ 875,557,000

See footnotes at end of table, pp. 2479-2480.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1988 (H.R. 3058), was not approved by the Congress. The bill passed the House on August 5, 1987, and passed the Senate, amended on October 14, 1987. The Senate asked for a conference on the bill October 14, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 3058. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 100-202 for those programs and activities normally included in H.R. 3058 (see pp. 371-404, this volume, for Sec. 101(h) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−) appropriations compared with estimates
OFFICE OF POSTSECONDARY EDUCATION			
Student financial assistance	$3,336,000,000	$5,544,792,000	+$2,208,792,000
Guaranteed student loans	1,176,574,000	2,565,000,000	+1,388,426,000
Higher education	176,111,000	534,471,000	+358,360,000
College construction loan insurance		19,148,000	+19,148,000
College housing and academic facilities loans *(limitation on direct loans)*		*(62,231,000)*	*(+62,231,000)*
Total, Office of Postsecondary Education	4,688,685,000	8,663,411,000	+3,974,726,000
OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT			
Educational research and statistics	70,231,000	67,526,000	−2,705,000
Libraries		135,089,000	+135,089,000
Total, Office of Educational Research and Improvement	70,231,000	202,615,000	+132,384,000
SPECIAL INSTITUTIONS			
American Printing House for the Blind	*5,510,000	5,266,000	−244,000
National Technical Institute for the Deaf	*33,000,000	31,594,000	−1,406,000
Gallaudet University	*63,000,000	62,195,000	−805,000
Howard University	170,230,000	172,203,000	+1,973,000
Total, Special Institutions	271,740,000	271,258,000	−482,000
DEPARTMENTAL MANAGEMENT			
Salaries and expenses	254,404,000	241,028,000	−13,376,000
Office for Civil Rights	42,975,000	40,530,000	−2,445,000
Office of the Inspector General	18,621,000	17,560,000	−1,061,000
Total, Departmental management	316,000,000	299,118,000	−16,882,000
Total, title III, Department of Education:			
New budget *(obligational)* authority	13,985,555,000	20,178,460,000	+6,192,905,000
(Limitation on direct loans)		*(62,231,000)*	*(+62,231,000)*
TITLE IV—RELATED AGENCIES			
ACTION	152,997,000	163,085,000	+10,088,000
Corporation for Public Broadcasting:			
Public broadcasting fund *(advance appropriation fiscal year, 1990)*	132,000,000	232,648,000	+100,648,000
Federal Mediation and Conciliation Service	24,920,000	24,510,000	−410,000
Federal Mine Safety and Health Review Commission	4,139,000	3,906,000	−233,000
National Commission on Libraries and Information Science	791,000	718,000	−73,000
National Council on the Handicapped	932,000	892,000	−40,000
National Labor Relations Board	141,580,000	133,097,000	−8,483,000
National Mediation Board	4,873,000	7,004,000	+2,131,000
Occupational Safety and Health Review Commission	6,232,000	5,885,000	−347,000
Physician Payment Review Commission *(limitation on trust fund transfer)*	*(3,209,000)*	*(2,997,000)*	*(−212,000)*
Prospective Payment Assessment Commission *(limitation on trust fund transfer)*	*(3,798,000)*	*(3,592,000)*	*(−206,000)*

See footnotes at end of table, pp. 2479-2480.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)—Continued

[NOTE.—The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1988 (H.R. 3058), was not approved by the Congress. The bill passed the House on August 5, 1987, and passed the Senate, amended on October 14, 1987. The Senate asked for a conference on the bill October 14, 1987, and the House agreed to a conference October 20, 1987. No further conference action ocurred on H.R. 3058. Programs normally funded in this bill have been provided for under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(h) of Public Law 100-202 for those programs and activities normally included in H.R. 3058 (see pp. 371-404, this volume, for Sec. 101(h) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1,2,3,4,10]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Railroad Retirement Board:			
Dual benefits payments account	*$276,000,000	$352,323,000	+$76,323,000
Federal payments to the Railroad Retirement Accounts	*3,100,000	3,100,000	
New advance, biennial budget, fiscal year 1989	3,100,000		−3,100,000
(Limitation on administration, retirement)	*(55,389,000)*	*(57,860,000)*	*(+2,471,000)*
(Limitation on administration, unemployment)	*(9,010,000)*	*(13,830,000)*	*(+4,820,000)*
(Limitation on administration, review activity)	*(3,800,000)*	*(2,212,000)*	*(−1,588,000)*
Total, Railroad Retirement Board	282,200,000	355,423,000	+73,223,000
Soldiers' and Airmen's Home:			
Operation and maintenance *(trust funds)*	37,080,000	35,879,000	−1,201,000
Capital outlay *(trust funds)*		15,445,000	+15,445,000
Total, Soldiers' and Airmen's Home	37,080,000	51,324,000	+14,244,000
United States Institute of Peace	3,310,000	4,308,000	+998,000
Total, title IV, related agencies:			
New budget *(obligational)* authority	791,054,000	982,800,000	+191,746,000
Appropriations, fiscal year 1988	(655,954,000)	(750,152,000)	(+94,198,000)
Advance appropriation, fiscal year 1989	(3,100,000)		(−3,100,000)
Advance appropriation, fiscal year 1990	(132,000,000)	(232,648,000)	(+100,648,000)
(Limitation on trust fund transfers)	*(7,007,000)*	*(6,589,000)*	*(−418,000)*
(Limitation on administrative expenses)	*(68,199,000)*	*(73,902,000)*	*(+5,703,000)*
Grand total, all titles:			
New budget *(obligational)* authority	200,511,835,000	128,245,381,000	−72,266,454,000
Appropriations, fiscal year 1988	(101,832,420,000)	(114,262,733,000)	(+12,430,313,000)
Definite	(101,698,688,000)	(114,134,001,000)	(+12,435,313,000)
Indefinite	(133,732,000)	(128,732,000)	(−5,000,000)
Advance appropriations, fiscal year 1989	(84,469,423,000)	(13,750,000,000)	(−70,719,423,000)
Advance appropriation, fiscal year 1990	(14,209,992,000)	(232,648,000)	(−13,977,344,000)
(Limitation on administrative expenses)	*(3,873,320,000)*	*(3,598,016,000)*	*(−275,304,000)*
(Limitation on trust fund transfers)	*(3,984,530,000)*	*(4,121,161,000)*	*(+136,631,000)*
(Limitation on direct loans)	*(1,000,000)*	*(63,188,000)*	*(+62,188,000)*

[1]Includes the following amounts transmitted as budget amendments after initial submission of the President's fiscal year 1988 Budget:

H. Doc. 100-86:

Department of Labor:

Employment and Training Administration:

State unemployment insurance and employment service operations *(trust funds)* ..... [illegible]

Labor Management Services 2,267,000

Employment Standards Administration:

Salaries and expenses ..... [illegible]

Occupational Safety and Health Administration ..... [illegible]

Departmental Management:

Salaries and expenses $1,349,000

Total, H. Doc. 100-86 ..... [illegible]

H. Doc. 100-87:

Department of Health and Human Services:

Office of the Assistant Secretary for Health:

Fund for AIDS research and education (see also footnote 3) 248,195,000

Total, budget amendments 257,111,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3058)—Continued

[1] $144,058,000 for family planning requested in the President's budget under the "Office of the Assistant Secretary for Health" was considered in the "Health Resources and Services Administration" account.

[2] Includes $248,195,000 for AIDS transmitted in H. Doc. 100-87 as a budget amendment (CDC, $121,500,000; NIH, $78,560,000; ADAMHA, $46,835,000; OASH, $1,300,000). In addition, $8,880,000 of the total $257,075,000 budget amendment was considered by the Food and Drug Administration in the Rural Development, Agriculture, and Related Agencies Bill, 1988.

[3] Excludes $2,276,000,000 requested in the President's budget for multi-year grant costs not considered by the Congress.

[4] Indefinite authorization is provided for the various public assistance entitlement accounts to cover any shortfall in funds for fiscal year 1988. Should these authorities be utilized, a separate legislative history will be printed in a later compilation to cover the 100th Congress, 2d session.

[5] Fiscal year 1988 request proposed for later transmittal.

[6] Fiscal year 1988 request includes $609,337,000 proposed for later transmittal.

[7] Request submitted under consolidated "Special Institution for the Handicapped."

[8] $100,000 of request for "Dual Benefits" was considered under "Federal Payments to the Railroad Retirement Board."

[9] The following amendments related to programs funded in the Labor-HHS-Education Appropriations bill were submitted too late to be considered as part of H.R. 3058:

S. Doc. 100-15:	
Department of Labor:	
Employment and Training Administration:	
Program administration	$165,000
Unemployment trust fund: *(Limitation on trust fund transfer)*	*(24,000)*
Labor-Management Services	400,000
Pension Benefit Guaranty Corporation: *(Limitation on trust fund transfer)*	*(8,000)*
Employment Standards Administration:	
Salaries and expenses	1,000,000
(Limitation on trust fund transfer)	*(4,000)*
Black Lung disability trust fund	267,000
Occupational Safety and Health Administration	903,000
Mine Safety and Health Administration	1,075,000
Bureau of Labor Statistics	647,000
Departmental Management:	
Salaries and expenses	722,000
(Limitation on trust fund transfer)	*(2,000)*
Assistant Secretary for Veterans Employment and Training: *(Limitation on trust fund transfer)*	*(12,000)*
Office of the Inspector General	257,000
(Limitation on trust fund transfer)	*(47,000)*
Department of Health and Human Services:	
Health Resources and Services Administration:	
Health resources and services	579,000
Centers for Disease Control	1,053,000
National Institutes of Health:	
National Cancer Institute	1,400,000
National Heart, Lung and Blood Institute	484,000
National Institute of Dental Research	148,000
National Institute of Diabetes and Digestive and Kidney Diseases	821,000
National Institute of Neurological and Communicative Disorders and Stroke	813,000
National Institute of Allergy and Infectious Diseases	854,000
National Institute of General Medical Sciences	93,000
National Institute of Child Health and Human Development	232,000
National Eye Institute	99,000
National Institute of Environmental Health Sciences	217,000
National Institute on Aging	158,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases	43,000
Research resources	47,000
National Center for Nursing Research	6,000
John E. Fogarty International Center	18,000
National Library of Medicine	202,000
Office of the Director	205,000
Alcohol, Drug Abuse, and Mental Health Administration:	
Alcohol, drug abuse, and mental health	620,000
Office of Assistant Secretary for Health:	
Public Health Service management	361,000
Health Care Financing Administration:	
Program management	545,000
(Limitation on trust fund transfer)	*(1,012,000)*
Social Security Administration:	
Special benefits for disabled coal miners	40,000
(Limitation on administrative expenses)	*(9,084,000)*
Family Support Administration:	
Program administration	393,000
Human Development Services	454,000
Departmental Management:	
General departmental management	846,000
Office of the Inspector General	477,000
Office for Civil Rights	145,000
Department of Education:	
Departmental Management:	
Salaries and expenses	1,691,000
Related Agencies:	
ACTION	170,000
Federal Mediation and Conciliation Service	144,000
Federal Mine Safety and Health Review Commission	28,000
National Commission on Libraries and Information Science	8,000
National Council on the Handicapped	4,000
National Labor Relations Board	1,141,000
National Mediation Board	26,000
Occupational Safety and Health Review Commission	41,000
Railroad Retirement Board:	
(Limitation on administration)	*(500,000)*
Soldiers' and Airmen's Home:	
Operation and maintenance	191,000
Total, S. Doc. 100-15	19,333,000
H. Doc. 100-146:	
Department of Health and Human Services:	
Health Resources and Services Administration:	
Health resources and services	3,200,000
Health care quality improvement database	3,200,000
Total, H. Doc. 100-146 *(net)*	0
Total, budget amendments *not considered (net)*	19,333,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1988 (H.R. 2714)

[NOTE.—The Legislative Branch Appropriations Bill, 1988 (H.R. 2714), was not approved by the Congress. The bill passed the House on June 29, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2714. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 100-202 for those programs and activities normally included in H.R. 2714 (see pp. 404-423, this volume, for Sec. 101(i) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—CONGRESSIONAL OPERATIONS			
SENATE			
MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, MAJORITY AND MINORITY WHIPS, AND CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES			
Mileage of the Vice President and Senators	$60,000	$60,000	
Expense allowances of the Vice President, the President Pro Tempore, Majority and Minority Leader Majority and Minority Whips, and Chairmen of the Majority and Minority Conference Committees:			
Vice President	10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000	
Majority Leader of the Senate	10,000	10,000	
Minority Leader of the Senate	10,000	10,000	
Majority Whip of the Senate	5,000	5,000	
Minority Whip of the Senate	5,000	5,000	
Chairmen of the Majority and Minority Conference Committees	6,000	6,000	
Representation allowances for the Majority and Minority Leaders	20,000	20,000	
Total, expense allowances	76,000	76,000	
Total, mileage and expenses allowances, Vice President and Senators	136,000	136,000	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Vice President	1,145,000	1,145,000	
Office of the President Pro Tempore	153,000	153,000	
Office of the Deputy President Pro Tempore	90,000	90,000	
Offices of the Majority and Minority Leaders	1,388,000	1,388,000	
Offices of the Majority and Minority Whips	431,000	431,000	
Conference committees	1,113,000	1,113,000	
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	270,000	270,000	
Office of the Chaplain	115,000	115,000	
Office of the Secretary	8,005,000	8,005,000	
Administrative, clerical, and legislative assistance to Senators	109,605,500	109,605,500	
Office of the Sergeant at Arms and Doorkeeper	44,771,000	44,161,000	−$610,000
Offices of the Secretaries for the Majority and Minority	905,000	918,000	+13,000
Agency contributions	40,036,000	28,802,200	−11,233,800
Total, salaries, officers and employees	208,027,500	196,196,700	−11,830,800
OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE			
Salaries and expenses	1,764,000	1,764,000	

See footnote at end of table, p. 2486.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1988 (H.R. 2714)—Continued

[NOTE—The Legislative Branch Appropriations Bill, 1988 (H.R. 2714), was not approved by the Congress. The bill passed the House on June 29, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2714. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 100-202 for those programs and activities normally included in H.R. 2714 (see pp. 404-423, this volume, for Sec. 101(i) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
OFFICE OF SENATE LEGAL COUNSEL			
Salaries and expenses	$633,000	$633,000	
EXPENSE ALLOWANCES FOR THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE			
Expense allowances	12,000	12,000	
CONTINGENT EXPENSES OF THE SENATE			
Senate policy committees	2,203,000	2,203,000	
Inquiries and investigations	57,161,000	57,161,000	
Expenses of United States Senate Caucus on International Narcotics Control	325,000	325,000	
Secretary of the Senate	666,300	666,300	
Sergeant at Arms and Doorkeeper of the Senate	68,021,000	68,021,000	
Miscellaneous items	10,183,000	10,183,000	
Stationery (revolving fund)	13,000	13,000	
Total, contingent expenses of the Senate	138,572,300	138,572,300	
Total, Senate	349,144,800	337,314,000	−$11,830,800
HOUSE OF REPRESENTATIVES			
PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS			
Gratuities, deceased Members		89,500	+89,500
MILEAGE OF MEMBERS			
Mileage of Members	210,000	210,000	
HOUSE LEADERSHIP OFFICES			
Office of the Speaker	798,000	798,000	
Office of the Majority Floor Leader	708,000	708,000	
Office of the Minority Floor Leader	789,000	789,000	
Office of the Majority Whip	621,000	621,000	
Office of the Minority Whip	540,000	540,000	
Total, House leadership offices	3,456,000	3,456,000	
MEMBERS' CLERK HIRE			
Clerk hire	178,899,000	174,556,000	−4,343,000
COMMITTEE EMPLOYEES			
Professional and clerical employees on standing committees	59,062,000	49,102,000	−9,960,000
COMMITTEE ON THE BUDGET (STUDIES)			
Salaries and expenses	346,000	329,000	−17,000

See footnote at end of table, p. 2486.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1988 (H.R. 2714)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1988 (H.R. 2714), was not approved by the Congress. The bill passed the House on June 29, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2714. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 100-202 for those programs and activities normally included in H.R. 2714 (see pp. 404-423, this volume, for Sec. 101(i) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
CONTINGENT EXPENSES OF THE HOUSE			
STANDING COMMITTEES, SPECIAL AND SELECT			
Salaries and expenses	$52,418,000	$52,418,000	
ALLOWANCES AND EXPENSES			
Official Expenses of Members	89,123,000	81,523,000	−$7,600,000
Supplies, materials, administrative costs and Federal tort claims	28,119,000	16,719,000	−11,400,000
Furniture and furnishings	1,005,000	1,005,000	
Stenographic reporting of committee hearings	550,000	550,000	
Reemployed annuitants reimbursements	1,118,000	1,118,000	
Government contributions	94,110,000	73,260,000	−20,850,000
Miscellaneous items	622,000	622,000	
(By transfer)		*(132,000)*	*(+132,000)*
Total, allowances and expenses	214,647,000	174,797,000	−39,850,000
Total, contingent expenses of the House	267,065,000	227,215,000	−39,850,000
COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)			
Salaries and expenses	4,300,000	4,300,000	
SALARIES, OFFICERS AND EMPLOYEES			
Office of the Clerk	15,217,000	14,917,000	−300,000
Office of the Sergeant at Arms	22,692,000	21,180,000	−1,512,000
Office of the Doorkeeper	8,115,000	7,915,000	−200,000
Office of the Postmaster	2,617,000	2,517,000	−100,000
Office of the Chaplain	75,000	75,000	
Office of the Parliamentarian	716,000	716,000	
Office of the Parliamentarian	(496,000)	(496,000)	
Compilation of precedents of the House of Representatives	(220,000)	(220,000)	
Office for the Bicentennial of the House of Representatives	243,000	243,000	
Office of the Law Revision Counsel of the House	920,000	870,000	−50,000
Office of the Legislative Counsel of the House	3,225,000	3,025,000	−200,000
Six minority employees	447,000	447,000	
House Democratic Steering Committee and Caucus	721,000	721,000	
House Democratic Steering Committee	(579,000)	(579,000)	
House Democratic Caucus	(142,000)	(142,000)	
House Republican Conference	721,000	721,000	
Other Authorized Employees	1,282,000	1,182,000	−100,000
Technical assistant, Office of the Attending Physician	(59,000)	(59,000)	
L.B.J. Interns and Former Speakers' staff	(1,112,000)	(1,012,000)	(−100,000)
Miscellaneous items	(111,000)	(111,000)	
Total, salaries, officers and employees	56,991,000	54,529,000	−2,462,000
Total, House of Representatives	570,329,000	513,786,500	−56,542,500

See footnote at end of table, p. 2486.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1988 (H.R. 2714)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1988 (H.R. 2714), was not approved by the Congress. The bill passed the House on June 29, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2714. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 100-202 for those programs and activities normally included in H.R. 2714 (see pp. 404-423, this volume, for Sec. 101(i) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
JOINT ITEMS			
CONTINGENT EXPENSES OF THE SENATE			
Joint Economic Committee	$3,284,000	$3,179,000	−$105,000
Joint Committee on Printing	1,088,000	1,037,000	−51,000
Total, contingent expenses of the Senate	4,372,000	4,216,000	−156,000
CONTINGENT EXPENSES OF THE HOUSE			
Joint Committee on Taxation	4,462,000	4,219,000	−243,000
OFFICE OF THE ATTENDING PHYSICIAN			
Medical supplies, equipment, expenses, and allowances	1,553,000	1,493,000	−60,000
CAPITOL POLICE			
General expenses	2,199,000	1,734,000	−465,000
OFFICIAL MAIL COSTS			
Expenses	133,739,000	82,163,000	−51,576,000
CAPITOL GUIDE SERVICE			
Salaries and expenses	1,175,000	1,137,000	−38,000
STATEMENTS OF APPROPRIATIONS			
Preparation	20,000	19,000	−1,000
Total, joint items	147,520,000	94,981,000	−52,539,000
OFFICE OF TECHNOLOGY ASSESSMENT			
Salaries and expenses	19,270,000	16,901,000	−2,369,000
BIOMEDICAL ETHICS BOARD			
Salaries and expenses		100,000	+100,000
Reappropriation		150,000	+150,000
Total, Biomedical Ethics Board		250,000	+250,000
CONGRESSIONAL AWARD BOARD			
Congressional Award Program		189,000	+189,000
CONGRESSIONAL BUDGET OFFICE			
Salaries and expenses	18,988,000	17,886,000	−1,102,000
ARCHITECT OF THE CAPITOL			
OFFICE OF THE ARCHITECT OF THE CAPITOL			
Salaries	6,123,000	5,925,000	−198,000
Travel (*limitation on expenses*)	(20,000)	(10,000)	(−10,000)
Contingent expenses	100,000	48,000	−52,000
Total, Office of the Architect of the Capitol	6,223,000	5,973,000	−250,000

See footnote at end of table, p. 2486.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1988 (H.R. 2714)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1988 (H.R. 2714), was not approved by the Congress. The bill passed the House on June 29, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2714. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 100-202 for those programs and activities normally included in H.R. 2714 (see pp. 404-423, this volume, for Sec. 101(i) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
CAPITOL BUILDINGS AND GROUNDS			
Capitol buildings	$19,849,000	$12,793,000	−$7,056,000
Capitol grounds	3,790,000	3,404,000	−386,000
Senate Office Buildings	37,761,000	23,265,000	−14,496,000
House Office Buildings	32,884,000	30,547,000	−2,337,000
Capitol Power Plant	28,087,000	26,533,000	−1,554,000
Offsetting collections	−1,950,000	−1,950,000	
Net total, Capitol Power Plant	26,137,000	24,583,000	−1,554,000
Total, Capitol buildings and grounds	120,421,000	94,592,000	−25,829,000
Total, Architect of the Capitol *(except items in Title II)*	126,644,000	100,565,000	−26,079,000
LIBRARY OF CONGRESS			
CONGRESSIONAL RESEARCH SERVICE			
Salaries and expenses	47,251,000	43,022,000	−4,229,000
GOVERNMENT PRINTING OFFICE			
Congressional printing and binding	72,700,000	70,359,000	−2,341,000
Total, title I—Congressional Operations			
New budget *(obligational)* authority	1,351,846,800	1,195,253,500	−156,593,300
(By transfer)		*(132,000)*	*(+132,000)*
(Limitation on expenses)	*(20,000)*	*(10,000)*	*(−10,000)*
TITLE II—OTHER AGENCIES			
BOTANIC GARDEN			
Salaries and expenses	2,448,000	2,221,000	−227,000
LIBRARY OF CONGRESS			
Salaries and expenses	158,839,000	143,866,000	−14,973,000
Authority to spend receipts	−5,000,000	−5,000,000	
Net total, Salaries and expenses	153,839,000	138,866,000	−14,973,000
Copyright Office, salaries and expenses	19,788,000	19,061,000	−727,000
Authority to spend receipts	−7,994,000	−7,931,000	+63,000
Reappropriation		150,000	+150,000
Net total, Copyright Office, salaries and expenses	11,794,000	11,280,000	−514,000
Books for the blind and physically handicapped, salaries and expenses	38,046,000	36,186,000	−1,860,000
Furniture and furnishings	8,121,000	5,816,000	−2,305,000
Total, Library of Congress *(except Congressional Research Service)*	211,800,000	192,148,000	−19,652,000
ARCHITECT OF THE CAPITOL			
LIBRARY BUILDINGS AND GROUNDS			
Structural and mechanical care	7,618,000	6,741,000	−877,000

See footnote at end of table, p. 2486

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1988 (H.R. 2714)—Continued

[NOTE.—The Legislative Branch Appropriations Bill, 1988 (H.R. 2714), was not approved by the Congress. The bill passed the House on June 29, 1987, and passed the Senate, amended on September 30, 1987. The Senate asked for a conference on the bill September 30, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2714. Programs normally funded in this bill have been provided for under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(i) of Public Law 100-202 for those programs and activities normally included in H.R. 2714 (see pp. 404-423, this volume, for Sec. 101(i) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
COPYRIGHT ROYALTY TRIBUNAL			
Salaries and expenses	$897,000	$662,000	−$235,000
Authority to spend receipts	−718,000	−533,000	+185,000
Net total, Salaries and expenses	179,000	129,000	−50,000
GOVERNMENT PRINTING OFFICE			
Office of Superintendent of Documents, salaries and expenses	26,500,000	24,662,000	−1,838,000
Authority to spend receipts		−5,500,000	−5,500,000
Net total, Office of Superintendent of Documents	26,500,000	19,162,000	−7,338,000
GENERAL ACCOUNTING OFFICE			
Salaries and expenses	379,497,000	329,847,000	−49,650,000
Total, title II—other agencies	628,042,000	550,248,000	−77,794,000
Grand total, all titles:			
New budget *(obligational)* authority	1,979,888,800	1,745,501,500	−234,387,300
Appropriations	(1,979,888,800)	(1,745,201,500)	(−234,687,300)
Reappropriations		(300,000)	(+300,000)
(By transfer)		*(132,000)*	*(+132,000)*
(Limitation on expenses)	*(20,000)*	*(10,000)*	*(−10,000)*

[1]Includes the following budget amendments:

H. Doc. 100-44:
Congressional Operations:
Senate:
Salaries, officers and employees $312,000
Joint Items:
Joint Committee on Printing 54,000
Total, H. Doc. 100-44 366,000

H. Doc. 100-67:
Other Agencies:
Government Printing Office:
Office of Superintendent of Documents: Salaries and expenses 5,500,000

H. Doc. 100-71:
Congressional Operations:
Senate:
Salaries, officers and employees 4,034,000
Contingent expenses of the Senate:
Sergeant at Arms and Doorkeeper of the Senate 503,000
Total, H. Doc. 100-71 4,537,000

H. Doc. 100-87:
Congressional Operations:
Joint Items:
Office of the Attending Physician 64,000

H. Doc. 100-91:
Other Agencies:
Library of Congress:
Salaries and expenses 680,000

H. Doc. 100-122:
Congressional Operations:
Senate:
Sergeant at Arms and Doorkeeper of the Senate $1,847,000

S. Doc. 100-14:
Congressional Operations:
Senate:
Salaries, officers and employees 468,000

S. Doc. 100-17:
Congressional Operations:
Senate:
Expense, allowances of the Vice President, President Pro Tempore 325,000
Salaries, officers and employees 223,000
Contingent expenses of the Senate:
Sergeant at Arms and Doorkeeper of the Senate 5,232,000
Joint Items:
Capitol Guide Service 58,000
Total, S. Doc. 100-17 5,838,000

Informal budget amendments not officially transmitted to the Congress by the Office of Management and Budget:
Congressional Operations:
Senate, salaries, officers and employees:
Administrative, clerical, and legislative assistance to Senators 110,500
Agency contributions 26,000
Total, informal budget amendments 136,500
Total, budget amendments 19,436,500

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

MILITARY CONSTRUCTION APPROPRIATION BILL, 1988 (H.R. 2906)

[NOTE.—The Military Construction Appropriation Bill, 1988 (H.R. 2906), was not approved by the Congress. The bill passed the House on July 14, 1987, and passed the Senate, amended on October 27, 1987. The Senate asked for a conference on the bill October 27, 1987, and the House agreed to a conference November 4, 1987. No further conference action ocurred on H.R. 2906. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 100-202 for those programs and activities normally included in H.R. 2906 (see pp. 423-434, this volume, for Sec. 101(j) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Military construction, Army	$1,191,700,000	$977,590,000	−$214,110,000
Rescission		−6,800,000	−6,800,000
Rescission		−28,000,000	−28,000,000
Subtotal, military construction, Army *(net)*	1,191,700,000	942,790,000	−248,910,000
Military construction, Navy	1,844,072,000	1,417,311,000	−426,761,000
Rescission		−6,800,000	−6,800,000
Rescission		−19,400,000	−19,400,000
Subtotal, military construction, Navy *(net)*	1,844,072,000	1,391,111,000	−452,961,000
Military construction, Air Force	1,500,900,000	1,241,254,000	−259,646,000
Rescission		−6,300,000	−6,300,000
Rescission		−18,500,000	−18,500,000
Subtotal, military construction, Air Force *(net)*	1,500,900,000	1,216,454,000	−284,446,000
Military construction, Defense Agencies	859,200,000	558,446,000	−300,754,000
Rescission		−1,900,000	−1,900,000
Rescission		−5,300,000	−5,300,000
Subtotal, military construction, Defense Agencies *(net)*	859,200,000	551,246,000	−307,954,000
North Atlantic Treaty Organization Infrastructure	396,000,000	381,000,000	−15,000,000
Rescission		−8,000,000	−8,000,000
Subtotal, NATO Infrastructure *(net)*	396,000,000	373,000,000	−23,000,000
Military construction, Army National Guard	170,400,000	184,405,000	+14,005,000
Rescission		−2,500,000	−2,500,000
Subtotal, military construction, Army National Guard *(net)*	170,400,000	181,905,000	+11,505,000
Military construction, Air National Guard	160,800,000	151,291,000	−9,509,000
Rescission		−200,000	−200,000
Rescission		−3,300,000	−3,300,000
Subtotal, military construction, Air National Guard *(net)*	160,800,000	147,791,000	−13,009,000
Military construction, Army Reserve	95,100,000	95,100,000	
Rescission		−1,800,000	−1,800,000
Subtotal, military construction, Army Reserve *(net)*	95,100,000	93,300,000	−1,800,000
Military construction, Naval Reserve	73,737,000	73,737,000	
Rescission		−1,200,000	−1,200,000
Subtotal, military construction, Naval Reserve *(net)*	73,737,000	72,537,000	−1,200,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

MILITARY CONSTRUCTION APPROPRIATION BILL, 1988 (H.R. 2906)—Continued

[NOTE.—The Military Construction Appropriation Bill, 1988 (H.R. 2906), was not approved by the Congress. The bill passed the House on July 14, 1987, and passed the Senate, amended on October 27, 1987. The Senate asked for a conference on the bill October 27, 1987, and the House agreed to a conference November 4, 1987. No further conference action ocurred on H.R. 2906. Programs normally funded in this bill have been provided for under Sec. 101(j) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(j) of Public Law 100-202 for those programs and activities normally included in H.R. 2906 (see pp. 423-434, this volume, for Sec. 101(j) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Military construction, Air Force Reserve	$79,300,000	$79,300,000	
Rescission		−200,000	−$200,000
Rescission		−1,800,000	−1,800,000
Subtotal, military construction, Air Force Reserve *(net)*	79,300,000	77,300,000	−2,000,000
Total, military construction:			
New budget *(obligational)* authority *(net)*	6,371,209,000	5,047,434,000	−1,323,775,000
Appropriations	(6,371,209,000)	(5,159,434,000)	(−1,211,775,000)
Rescissions		(−112,000,000)	(−112,000,000)
Family housing, Army:			
Appropriation	1,738,659,000	1,561,011,000	−177,648,000
Portion applied to debt reduction	−2,746,000	−2,746,000	
Rescission		−900,000	−900,000
Rescission		−19,400,000	−19,400,000
Subtotal, family housing, Army *(net)*	1,735,913,000	1,537,965,000	−197,948,000
Family housing, Navy and Marine Corps:			
Appropriation	799,036,000	767,942,000	−31,094,000
Portion applied to debt reduction	−1,801,000	−1,801,000	
Rescission		−400,000	−400,000
Rescission		−8,800,000	−8,800,000
Subtotal, family housing, Navy and Marine Corps *(net)*	797,235,000	756,941,000	−40,294,000
Family housing, Air Force:			
Appropriation	926,533,000	844,293,000	−82,240,000
Portion applied to debt reduction	−1,433,000	−1,433,000	
Rescission		−2,400,000	−2,400,000
Rescission		−12,300,000	−12,300,000
Subtotal, family housing, Air Force *(net)*	925,100,000	828,160,000	−96,940,000
Family housing, Defense agencies	19,700,000	20,700,000	+1,000,000
Homeowners Assistance Fund, Defense	2,800,000	2,800,000	
Total, family housing:			
New budget *(obligational)* authority *(net)*	3,480,748,000	3,146,566,000	−334,182,000
Appropriations	(3,486,728,000)	(3,196,746,000)	(−289,982,000)
Rescissions		(−44,200,000)	(−44,200,000)
Applied to debt reduction	(−5,980,000)	(−5,980,000)	
Foreign currency fluctuations, Construction, Defense		85,000,000	+85,000,000
Grand total:			
New budget *(obligational)* authority *(net)*	9,851,957,000	8,279,000,000	−1,572,957,000
Appropriations	(9,857,937,000)	(8,441,180,000)	(−1,416,757,000)
Rescissions		(−156,200,000)	(−156,200,000)
Applied to debt reduction	(−5,980,000)	(−5,980,000)	

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3520)

[NOTE.—The Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988 (H.R. 3520), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 20, 1987, and S. 1800 was reported by the Committee on Appropriations of the Senate on October 20, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 100-202 for those programs and activities normally included in H.R. 3520 (see pp. 434-468, this volume, for Sec. 101(k) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—AGRICULTURAL PROGRAMS			
PRODUCTION, PROCESSING AND MARKETING			
Office of the Secretary	$1,547,000	$1,466,000	−$81,000
Investigation of large payments		100,000	+100,000
Office of the Deputy Secretary	325,000	321,000	−4,000
Office of the Assistant Secretary for Special Services		416,000	+416,000
Office of the Assistant Secretary for Administration	524,000	498,000	−26,000
Rental payments (USDA)	56,407,000	49,665,000	−6,742,000
Building operations and maintenance	21,645,000	20,024,000	−1,621,000
Advisory committees (USDA)	1,308,000	1,308,000	
Hazardous waste management	[2] 10,000,000	2,000,000	−8,000,000
Departmental administration	25,036,000	25,004,000	−32,000
Working Capital Fund	6,000,000	5,708,000	−292,000
Office of the Assistant Secretary for Governmental and Public Affairs	368,000	347,000	−21,000
Office of Governmental and Public Affairs:			
Public affairs	7,750,000	7,700,000	−50,000
Congressional relations	512,000	497,000	−15,000
Intergovernmental affairs	478,000	476,000	−2,000
Total, Office of Governmental and Public Affairs	8,740,000	8,673,000	−67,000
Office of the Inspector General	50,092,000	48,795,000	−1,297,000
Office of the General Counsel	19,765,000	18,734,000	−1,031,000
Office of the Assistant Secretary for Economics	509,000	484,000	−25,000
Economic Research Service	48,723,000	48,186,000	−537,000
National Agricultural Statistics Service	62,678,000	61,176,000	−1,502,000
World Agricultural Outlook Board	1,790,000	1,730,000	−60,000
Office of the Assistant Secretary for Science and Education	403,000	386,000	−17,000
Agricultural Research Service	532,389,000	538,884,000	+6,495,000
Special fund	2,000,000	1,800,000	−200,000
Buildings and facilities	1,000,000	57,815,000	+56,815,000
Total, Agricultural Research Service	535,389,000	598,499,000	+63,110,000
Cooperative State Research Service	240,211,000	303,654,000	+63,443,000
Extension Service	262,521,000	318,336,000	+55,815,000
(Transfer from food stamp program)		*(39,627,000)*	*(+39,627,000)*
Total, Extension Service	*(262,521,000)*	*(357,963,000)*	*(+95,442,000)*
National Agricultural Library	12,302,000	12,194,000	−108,000
Office of the Assistant Secretary for Marketing and Inspection Services	377,000	363,000	−14,000
Animal and Plant Health Inspection Service:			
Salaries and expenses	294,931,000	329,330,000	+34,399,000
Buildings and facilities	2,347,000	2,246,000	−101,000
Total, Animal and Plant Health Inspection Service	297,278,000	331,576,000	+34,298,000

See footnotes at end of table, p. 2495.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3520)—Continued

[NOTE.—The Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988 (H.R. 3520), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 20, 1987, and S. 1800 was reported by the Committee on Appropriations of the Senate on October 20, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 100-202 for those programs and activities normally included in H.R. 3520 (see pp. 434-468, this volume, for Sec. 101(k) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Food Safety and Inspection Service	$394,654,000	$392,009,000	−$2,645,000
Federal Grain Inspection Service	7,081,000	7,020,000	−61,000
Inspection and Weighing Services *(limitation on administrative expenses, from fees collected)*	*(36,856,000)*	*(36,856,000)*	
Agricultural Cooperative Service	3,697,000	4,611,000	+914,000
Agricultural Marketing Service:			
Marketing Services	32,819,000	32,409,000	−410,000
(Limitation on administrative expenses, from fees collected)	*(30,628,000)*	*(30,628,000)*	
Funds for strengthening markets, income, and supply (Section 32) *(by transfer)*	*(7,660,000)*	*(7,601,000)*	*(−59,000)*
Payments to States and possessions		942,000	+942,000
Total, Agricultural Marketing Service	32,819,000	33,351,000	+532,000
Office of Transportation	1,361,000	2,397,000	+1,036,000
Packers and Stockyards Administration	9,369,000	9,402,000	+33,000
Total, Production, Processing and Marketing	2,112,919,000	2,308,433,000	+195,514,000
FARM INCOME STABILIZATION			
Office of the Under Secretary for International Affairs and Commodity Programs	545,000	524,000	−21,000
Agricultural Stabilization and Conservation Service:			
(Transfer from Commodity Credit Corporation)	*(525,749,000)*	*(565,000,000)*	*(+39,251,000)*
Dairy indemnity program		95,000	+95,000
Total, Farm income stabilization	545,000	619,000	+74,000
CORPORATIONS			
Federal Crop Insurance Corporation:			
Administrative and operating expenses	214,995,000	200,000,000	−14,995,000
Federal crop insurance corporation fund	284,823,000	228,523,000	−56,300,000
Total, Federal Crop Insurance Corporation	499,818,000	428,523,000	−71,295,000
Commodity Credit Corporation:			
Operating expenses	[3] 21,133,658,000	21,133,658,000	
(Loan authorization)		*(5,500,000,000)*	*(+5,500,000,000)*
General Sales Manager *(transfer from Commodity Credit Corporation)*	*(7,244,000)*	*(7,157,000)*	*(−87,000)*
Total, Corporations	21,633,476,000	21,562,181,000	−71,295,000
Total, title I, Agricultural Programs:			
New budget *(obligational)* authority	23,746,940,000	23,871,233,000	+124,293,000
(By transfer)	*(540,653,000)*	*(619,385,000)*	*(+78,732,000)*
(Loan authorization)		*(5,500,000,000)*	*(+5,500,000,000)*
(Limitation on administration expenses)	*(67,484,000)*	*(67,484,000)*	

See footnotes at end of table, p. 2495.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3520)—Continued

[NOTE.—The Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988 (H.R. 3520), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 20, 1987, and S. 1800 was reported by the Committee on Appropriations of the Senate on October 20, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 100-202 for those programs and activities normally included in H.R. 3520 (see pp. 434-468, this volume, for Sec. 101(k) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE II—RURAL DEVELOPMENT PROGRAMS			
RURAL DEVELOPMENT ASSISTANCE			
Office of the Under Secretary for Small Community and Rural Development	$462,000	$440,000	−$22,000
Farmers Home Administration:			
Rural Housing Insurance Fund:			
Insured loans *(loan authorization)*		*(1,844,420,000)*	*(+1,844,420,000)*
Site loans *(loan authorization)*		*(570,000)*	*(+570,000)*
Collection and servicing contracts *(limitation on obligations)*		*(10,000,000)*	*(+10,000,000)*
Rent supplement authorization *(limitation on obligations)*		*(275,310,000)*	*(+275,310,000)*
Reimbursement for interest and other losses	2,964,249,000	2,964,249,000	
Total, Rural Housing Insurance Fund:			
New budget *(obligational)* authority	2,964,249,000	2,964,249,000	
(Loan authorization)		*(1,844,990,000)*	*(+1,844,990,000)*
(Limitation on obligations)		*(285,310,000)*	*(+285,310,000)*
Self-help Housing Land Development Fund *(loan authorization)*		*(500,000)*	*(+500,000)*
Agricultural Credit Insurance Fund:			
Farm ownership loans *(loan authorization)*:			
Insured	*(130,000,000)*	*(115,000,000)*	*(−15,000,000)*
Guaranteed	*(390,000,000)*	*(390,000,000)*	
Total, farm ownership loans *(loan authorization)*	*(520,000,000)*	*(505,000,000)*	*(−15,000,000)*
Soil and water loans *(loan authorization)*:			
Insured		*(11,000,000)*	*(+11,000,000)*
Guaranteed		*(3,000,000)*	*(+3,000,000)*
Total, soil and water loans *(loan authorization)*		*(14,000,000)*	*(+14,000,000)*
Operating loans *(loan authorization)*:			
Insured	*(870,000,000)*	*(900,000,000)*	*(+30,000,000)*
Guaranteed	*(2,610,000,000)*	*(2,400,000,000)*	*(−210,000,000)*
Total, operating loans *(loan authorization)*	*(3,480,000,000)*	*(3,300,000,000)*	*(−180,000,000)*
Indian tribe land acquisition loans *(loan authorization)*		*(2,000,000)*	*(+2,000,000)*
Emergency disaster loans *(loan authorization)*	*(600,000,000)*	*(600,000,000)*	
Reimbursement for interest and other losses	3,627,153,000	3,627,153,000	
Total, Agricultural Credit Insurance Fund:			
New budget *(obligational)* authority	3,627,153,000	3,627,153,000	
(Loan authorization)	*(4,600,000,000)*	*(4,421,000,000)*	*(−179,000,000)*

See footnotes at end of table, p. 2495.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3520)—Continued

[NOTE.—The Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988 (H.R. 3520), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 20, 1987, and S. 1800 was reported by the Committee on Appropriations of the Senate on October 20, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 100-202 for those programs and activities normally included in H.R. 3520 (see pp. 434-468, this volume, for Sec. 101(k) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Rural Development Insurance Fund:			
Water and sewer facility loans *(loan authorization)*		*($330,380,000)*	*(+$330,380,000)*
Industrial development loans: Guaranteed *(loan authorization)*		*(95,700,000)*	*(+95,700,000)*
Community facility loans *(loan authorization)*		*(95,700,000)*	*(+95,700,000)*
Reimbursement for interest and other losses	$842,682,000	842,682,000	
Total, Rural Development Insurance Fund:			
New budget *(obligational)* authority	842,682,000	842,682,000	
(Loan authorization)		*(521,780,000)*	*(+521,780,000)*
Rural Development Loan Fund *(loan authorization)*		*(14,000,000)*	*(+14,000,000)*
Rural water and waste disposal grants		109,395,000	+109,395,000
Very low-income housing repair grants		12,500,000	+12,500,000
Rural housing for domestic farm labor		9,513,000	+9,513,000
Mutual and self-help housing		8,000,000	+8,000,000
Rural community fire protection grants		3,091,000	+3,091,000
Compensation for construction defects		713,000	+713,000
Rural rental assistance payments	378,130,000		−378,130,000
Rural housing preservation grants		19,140,000	+19,140,000
Rural development grants		6,500,000	+6,500,000
Office of the Administrator	788,000	600,000	−188,000
Salaries and expenses	407,447,000	407,634,000	+187,000
(Transfer from loan accounts)	*(4,000,000)*	*(4,000,000)*	
Total, salaries and expenses	*(411,447,000)*	*(411,634,000)*	*(+187,000)*
Total, Farmers Home Administration:			
New budget *(obligational)* authority	8,220,449,000	8,011,170,000	−209,279,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(4,600,000,000)*	*(6,802,270,000)*	*(+2,202,270,000)*
(Limitation on obligations)		*(285,310,000)*	*(+285,310,000)*
Rural Electrification Administration:			
Rural electrification and telephone revolving fund:			
Direct loans:			
Insured loans:			
Electric	*(258,000,000)*	*(622,050,000)*	*(+364,050,000)*
Telephone	*(32,000,000)*	*(239,250,000)*	*(+207,250,000)*
Total, insured loans *(loan authorization)*	*(290,000,000)*	*(861,300,000)*	*(+571,300,000)*
Guaranteed loans:			
Electric		*(813,450,000)*	*(+813,450,000)*
Telephone		*(119,625,000)*	*(+119,625,000)*
Total, guaranteed loans *(loan authorization)*		*(933,075,000)*	*(+933,075,000)*
Reimbursement for interest and other losses		327,675,000	+327,675,000
Total, Rural electrification and telephone revolving fund:			
New budget *(obligational)* authority		327,675,000	+327,675,000
(Loan authorization)	*(290,000,000)*	*(1,794,375,000)*	*(+1,504,375,000)*
Rural telephone bank		28,710,000	+28,710,000
Direct loans *(limitation on obligations)*	*(93,000,000)*	*(177,045,000)*	*(+84,045,000)*

See footnotes at end of table, p. 2495.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3520)—Continued

[NOTE.—The Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988 (H.R. 3520), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 20, 1987, and S. 1800 was reported by the Committee on Appropriations of the Senate on October 20, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 100-202 for those programs and activities normally included in H.R. 3520 (see pp. 434-468, this volume, for Sec. 101(k) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Rural communication development fund	$1,309,000	$1,309,000	
Office of the Administrator	155,000	155,000	
Salaries and expenses	26,897,000	30,713,000	+$3,816,000
Total, Rural Electrification Administration:			
New budget *(obligational)* authority	28,361,000	388,562,000	+360,201,000
(Loan authorization)	*(290,000,000)*	*(1,794,375,000)*	*(+1,504,375,000)*
(Limitation on obligations)	*(93,000,000)*	*(177,045,000)*	*(+84,045,000)*
Total, Rural Development Assistance:			
New budget *(obligational)* authority	8,249,272,000	8,400,172,000	+150,900,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(4,890,000,000)*	*(8,596,645,000)*	*(+3,706,645,000)*
(Limitation on obligations)	*(93,000,000)*	*(462,355,000)*	*(+369,355,000)*
CONSERVATION			
Office of the Assistant Secretary for Natural Resources and Environment	416,000		−416,000
Soil Conservation Service:			
Conservation operations	396,781,000	398,670,000	+1,889,000
River basin surveys and investigations	8,287,000	12,051,000	+3,764,000
Watershed planning	5,508,000	8,651,000	+3,143,000
Watershed and flood prevention operations	49,910,000	165,873,000	+115,963,000
(Loan authorization)		*(7,949,000)*	*(+7,949,000)*
Resource conservation and development	9,978,000	25,120,000	+15,142,000
(Loan authorization)		*(1,207,000)*	*(+1,207,000)*
Great Plains conservation program	2,813,000	20,474,000	+17,661,000
Total, Soil Conservation Service:			
New budget *(obligational)* authority	473,277,000	630,839,000	+157,562,000
(Loan authorization)		*(9,156,000)*	*(+9,156,000)*
Agricultural Stabilization and Conservation Service:			
Agricultural conservation program		176,935,000	+176,935,000
Forestry incentives program		11,891,000	+11,891,000
Water bank program		8,371,000	+8,371,000
Emergency conservation program		1,000,000	+1,000,000
Colorado River Basin salinity control program		4,904,000	+4,904,000
Conservation reserve program	1,388,000,000	1,131,000,000	−257,000,000
Total, Agricultural Stabilization and Conservation Service	1,388,000,000	1,334,101,000	−53,899,000
Total, Conservation:			
New budget *(obligational)* authority	1,861,693,000	1,964,940,000	+103,247,000
(Loan authorization)		*(9,156,000)*	*(+9,156,000)*
Total, title II, Rural Development Programs:			
New budget *(obligational)* authority	10,110,965,000	10,365,112,000	+254,147,000
(By transfer)	*(4,000,000)*	*(4,000,000)*	
(Loan authorization)	*(4,890,000,000)*	*(8,605,801,000)*	*(+3,715,801,000)*
(Limitation on obligations)	*(93,000,000)*	*(462,355,000)*	*(+369,355,000)*

See footnotes at end of table, p. 2495.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3520)—Continued

[NOTE.—The Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988 (H.R. 3520), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 20, 1987, and S. 1800 was reported by the Committee on Appropriations of the Senate on October 20, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 100-202 for those programs and activities normally included in H.R. 3520 (see pp. 434-468, this volume, for Sec. 101(k) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE III—DOMESTIC FOOD PROGRAMS			
Office of the Assistant Secretary for Food and Consumer Services	$380,000	$365,000	−$15,000
Food and Nutrition Service:			
Child nutrition programs	1,106,614,000	679,826,000	−426,788,000
(By transfer from sec. 32)	*(3,368,612,000)*	*(3,817,803,000)*	*(+449,191,000)*
Total, Child nutrition programs	*(4,475,226,000)*	*(4,497,629,000)*	*(+22,403,000)*
Special milk program	33,974,000	21,500,000	−12,474,000
Special supplemental food program for women, infants and children (WIC)	1,687,541,000	1,802,363,000	+114,822,000
Commodity supplemental food program	34,590,000	50,000,000	+15,410,000
Food stamp program	12,787,550,000	13,557,757,000	+770,207,000
Nutrition assistance for Puerto Rico	*(825,000,000)*	*(879,250,000)*	*(+54,250,000)*
Food donations programs for selected groups:			
Needy family program	52,891,000	53,796,000	+905,000
Elderly feeding program	140,312,000	140,312,000	
Total, Food donations programs	193,203,000	194,108,000	+905,000
Temporary emergency food assistance program		50,000,000	+50,000,000
Food program administration	87,302,000	85,828,000	−1,474,000
Total, Food and Nutrition Service	15,930,774,000	16,441,382,000	+510,608,000
Human Nutrition Information Service	8,674,000	8,623,000	−51,000
Total, title III, Domestic Food Programs:			
New budget *(obligational)* authority	15,939,828,000	16,450,370,000	+510,542,000
(By transfer)	*(3,368,612,000)*	*(3,817,803,000)*	*(+449,191,000)*
TITLE IV—INTERNATIONAL PROGRAMS			
Foreign Agricultural Service	85,511,000	92,017,000	+6,506,000
Public Law 480:			
Title I and III—Credit sales:			
Program level	*(852,000,000)*	*(852,000,000)*	
Direct loans	*(749,300,000)*	*(749,300,000)*	
Ocean freight differential	*(102,700,000)*	*(102,700,000)*	
Appropriation	429,596,000	429,596,000	
Title II—Commodities for disposition abroad:			
Program level	*(535,000,000)*	*(630,000,000)*	*(+95,000,000)*
Appropriation	535,000,000	630,000,000	+95,000,000
Total, Public Law 480:			
Program level	*(1,387,000,000)*	*(1,482,000,000)*	*(+95,000,000)*
Appropriation	964,596,000	1,059,596,000	+95,000,000
Office of International Cooperation and Development	3,748,000	5,295,000	+1,547,000
Scientific activities overseas *(foreign currency program)*		1,500,000	+1,500,000
Total, title IV, International Programs, new budget *(obligational)* authority	1,053,855,000	1,158,408,000	+104,553,000

See footnotes at end of table, p. 2495.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 3520)—Continued

[NOTE.—The Rural Development, Agriculture, and Related Agencies Appropriation Bill, 1988 (H.R. 3520), was not approved by the Congress. The bill was reported by the Committee on Appropriations of the House of Representatives on October 20, 1987, and S. 1800 was reported by the Committee on Appropriations of the Senate on October 20, 1987. The bill was not acted on by the full Senate. Programs normally funded in this bill have been provided for under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(k) of Public Law 100-202 for those programs and activities normally included in H.R. 3520 (see pp. 434-468, this volume, for Sec. 101(k) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE V—RELATED AGENCIES			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration:			
Salaries and expenses	$420,309,000	$450,504,000	+$30,195,000
Buildings and facilities	1,450,000	1,450,000	
Rental payments (FDA)	34,495,000	25,612,000	−8,883,000
Total, Food and Drug Administration	456,254,000	477,566,000	+21,312,000
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission	32,607,000	32,813,000	+206,000
Farm Credit Administration *(limitation on administrative expenses)*[2]	*(39,420,000)*	*(35,000,000)*	*(−4,420,000)*
Total, title V, Related Agencies:			
New budget *(obligational)* authority	488,861,000	510,379,000	+21,518,000
(Limitation on administrative expenses)	*(39,420,000)*	*(35,000,000)*	*(−4,420,000)*
Grand total, all titles:			
New budget *(obligational)* authority	51,340,449,000	52,355,502,000	+1,015,053,000
(By transfer)	*(3,913,265,000)*	*(4,441,188,000)*	*(+527,923,000)*
(Loan authorization)	*(4,890,000,000)*	*(14,105,801,000)*	*(+9,215,801,000)*
(Limitation on obligations)	*(93,000,000)*	*(462,355,000)*	*(+369,355,000)*
(Limitation on administrative expenses)	*(106,904,000)*	*(102,484,000)*	*(−4,420,000)*

[1] Includes the following budget amendments:

H. Doc. 100-59:
- Agricultural Programs:
  - Office of the Secretary:
    - Departmental administration (Hazardous waste management) $5,000,000
  - Rural Development Programs:
    - Farmers Home Administration:
      - Agricultural credit insurance fund 13,000,000
- Total, H. Doc. 100-59 18,000,000

H. Doc. 100-87:
- Related Agencies:
  - Food and Drug Administration:
    - Fund for AIDS research and education *8,880,000

S. Doc. 100-15:
- Agricultural Programs:
  - Office of the Secretary 47,000
  - Rental payments and building operations 24,000
  - Departmental administration 203,000
  - Office of Governmental and Public Affairs 56,000
  - Office of the Inspector General 326,000
  - Office of the General Counsel 138,000
  - Economic Research Service 322,000
  - National Agricultural Statistics Service 336,000
  - World agricultural outlook board 12,000
  - Agricultural Research Service 2,725,000
  - Cooperative State Research Service 59,000
  - Extension Service 66,000
  - National Agricultural Library 54,000
  - Animal and Plant Health Inspection Service 1,335,000
  - Federal Grain Inspection Service 41,000
  - Agricultural Cooperative Service 25,000
  - Agricultural Marketing Service:
    - Marketing services 262,000
    - *(Limitation on administrative expenses)* *(−114,000)*
    - Funds for strengthening markets, income, and supply (section 32) *(by transfer)* *(−44,000)*
  - Office of Transportation −$11,000
  - Food Safety and Inspection Service −2,476,000
  - Packers and Stockyards Administration −54,000
  - Federal Crop Insurance Corporation: Administrative and operating expenses −202,000
  - Commodity Credit Corporation: General Sales Manager *(by transfer)* *(−24,000)*
- Rural Development Programs:
  - Farmers Home Administration −2,910,000
  - Rural Electrification Administration −192,000
  - Soil Conservation Service:
    - Conservation operations −2,815,000
    - River basin surveys and investigations −21,000
    - Watershed planning 12,000
    - Watershed and flood prevention operations −114,000
    - Resource conservation and development −24,000
    - Great plains conservation program −18,000
  - Agricultural Stabilization and Conservation Service −1,914,000
- Domestic Food Programs:
  - Food and Nutrition Service: Food program administration −640,000
  - Human Nutrition Information Service −30,000
- International Programs:
  - Foreign Agricultural Service −138,000
  - Office of International Cooperation and Development −68,000
- Related Agencies:
  - Food and Drug Administration: Program expenses −2,357,000
  - Commodity Futures Trading Commission −206,000
- Total, S. Doc. 100-15 −20,233,000

Total, budget amendments *(net)* −29,353,000

*Part of $257,075,000 amendment for Department of Health and Human Services (see footnote 3 on p. 2480, this volume).

[2] Requested in fiscal year 1988 budget documents as part of "Departmental Administration" account.

[3] Requested in fiscal year 1987 and 1988 budget documents as a permanent indefinite appropriation.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 2890)

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1988 (H.R. 2890), was not approved by the Congress. The bill passed the House on July 13, 1987, and passed the Senate, amended on October 29, 1987. The Senate asked for a conference on the bill October 29, 1987, and the House agreed to a conference November 4, 1987. No further conference action ocurred on H.R. 2890. Programs normally funded in this bill have been provided for under Sec. 101(d) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(d) of Public Law 100-202 for those programs and activities normally included in H.R. 2890 (see pp. 468-499, this volume, for Sec. 101(d) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF TRANSPORTATION			
OFFICE OF THE SECRETARY			
Salaries and expenses	$56,704,000	$35,992,000	−$20,712,000
Immediate Office of the Secretary	[2]	(1,050,000)	
Immediate Office of the Deputy Secrtary	[2]	(451,000)	
Office of the General Counsel	[2]	(5,785,000)	
Office of the Assistant Secretary for Policy and International Affairs	[2]	(7,796,000)	
Office of the Assistant Secretary for Budget and Programs	[2]	(2,105,000)	
Office of the Assistant Secretary for Governmental Affairs	[2]	(2,367,000)	
Office of the Assistant Secretary for Administration	[2]	(6,739,000)	
(By transfer)		[3]*(15,360,000)*	*(+15,360,000)*
Office of the Assistant Secretary for Public Affairs	[2]	(1,459,000)	
Executive Secretariat	[2]	(798,000)	
Contract Appeals Board	[2]	(430,000)	
Office of Civil Rights	[2]	(1,244,000)	
Office of Commercial Space Transportation	[2]	(384,000)	
Office of Essential Air Service	[2]	(1,700,000)	
Regional Representatives	[2]	(642,000)	
Office of Small and Disadvantaged Business Utilization	[2]	(3,042,000)	
Transportation planning, research, and development	7,485,000		−7,485,000
(By transfer)		[4]*(4,987,000)*	*(+4,987,000)*
Working capital fund:			
(Limitation on working capital fund)	*(149,382,000)*	*(127,801,000)*	*(−21,581,000)*
Appropriation	3,915,000	1,805,000	−2,110,000
Payments to air carriers		28,500,000	+28,500,000
Total, Office of the Secretary	68,104,000	66,297,000	−1,807,000
COAST GUARD			
Operating expenses	[5]1,963,652,000	[6,7]1,789,106,000	−174,546,000
Acquisition, construction, and improvements	277,893,000	[8]247,000,000	−30,893,000
Alteration of bridges		940,000	+940,000
Retired pay	386,700,000	386,700,000	
Reserve training	69,113,000	62,880,000	−6,233,000
Research, development, test, and evaluation	20,119,000	19,000,000	−1,119,000
Offshore oil pollution compensation fund, *(limitation on obligations)*	*(60,000,000)*	*(57,000,000)*	*(−3,000,000)*
Deepwater port liability fund, *(limitation on obligations)*	*(50,000,000)*	*(47,500,000)*	*(−2,500,000)*
Boat safety:			
(Liquidation of contract authorization)	*(15,000,000)*	*(22,500,000)*	*(+7,500,000)*
(Limitation on obligations)	*(15,000,000)*	*(21,375,000)*	*(+6,375,000)*
Total, Coast Guard	2,717,477,000	2,505,626,000	−211,851,000

See footnotes at end of table, p. 2500.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 2890)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1988 (H.R. 2890), was not approved by the Congress. The bill passed the House on July 13, 1987, and passed the Senate, amended on October 29, 1987. The Senate asked for a conference on the bill October 29, 1987, and the House agreed to a conference November 4, 1987. No further conference action ocurred on H.R. 2890. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 100-202 for those programs and activities normally included in H.R. 2890 (see pp. 468-499, this volume, for Sec. 101(l) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
FEDERAL AVIATION ADMINISTRATION			
Headquarters administration	$37,893,000	$35,520,000	−$2,373,000
Operations	[9]3,223,858,000	[10]3,148,520,000	−75,338,000
(By transfer)	*(51,537,000)*	*(9,700,000)*	*(−41,837,000)*
Subtotal, Headquaters administration and Administration	3,261,751,000	3,184,040,000	−77,711,000
Facilities and equipment *(Airport and Airway Trust Fund)*	1,350,000,000	1,108,056,000	−241,944,000
Research, engineering, and development *(Airport and Airway Trust Fund)*	150,000,000	153,425,000	+3,425,000
Grants-in-aid for airports:			
(Liquidation of contract authorization) (Airport and Airway Trust Fund)	*(950,000,000)*	*(1,063,000,000)*	*(+113,000,000)*
(Limitation on obligations)	*(1,017,000,000)*	*(1,268,725,000)*	*(+251,725,000)*
Aircraft purchase loan guarantee program *(limitation on borrowing authority)*	*(75,000,000)*	*(57,000,000)*	*(−18,000,000)*
Total, Federal Aviation Administration	4,761,751,000	4,445,521,000	−316,230,000
FEDERAL HIGHWAY ADMINISTRATION			
(Limitation on general operating expenses)	*(219,061,000)*	*(206,736,000)*	*(−12,325,000)*
Highway safety research and development *(Highway Trust Fund)*	([11])	6,650,000	+6,650,000
Highway-related safety grants:			
(Liquidation of contract authorization) (Highway Trust Fund)	*(10,000,000)*	*(9,900,000)*	*(−100,000)*
(Limitation on obligations)	*(10,000,000)*	*(9,405,000)*	*(−595,000)*
Railroad-highway crossings demonstration projects		[12]7,790,000	+7,790,000
Federal-aid highways *(Highway Trust Fund)*:			
(Limitation on obligations)	*(12,787,000,000)*	*(11,780,000,000)*	*(−1,007,000,000)*
(Liquidation of contract authorization)	*(13,400,000,000)*	*(13,400,000,000)*	
Right-of-way Revolving Fund *(limitation on direct loans) (Highway Trust Fund)*	*(47,850,000)*	*(45,457,000)*	*(−2,393,000)*
Motor carrier safety	[13]24,527,000	22,790,000	−1,737,000
Motor carrier safety grants *(Highway Trust Fund)*:			
(Liquidation of contract authorization)	*(50,000,000)*	*(50,000,000)*	
(Limitation on obligations)		*(46,992,000)*	*(+46,992,000)*
Access highways to public recreation areas on certain lakes		1,786,000	+1,786,000
Baltimore-Washington Parkway *(Highway Trust Fund)*		14,250,000	+14,250,000
Waste isolation pilot project roads		15,504,000	+15,504,000
Expressway gap closing demonstration project		7,885,000	+7,885,000
Intermodal urban demonstration project *(Highway Trust Fund)*		9,500,000	+9,500,000
Highway safety and economic development demonstration projects *(Highway Trust Fund)*		9,500,000	+9,500,000
Highway safety improvement demonstration project *(Highway Trust Fund)*		1,900,000	+1,900,000
Highway-railroad grade crossing safety demonstration project *(Highway Trust Fund)*		9,500,000	+9,500,000
Bridge improvement demonstration project		4,750,000	+4,750,000
Vehicular and pedestrian safety demonstration project		6,650,000	+6,650,000
Highway bridge relocation demonstration project		2,470,000	+2,470,000
Highway bypass demonstration project		1,900,000	+1,900,000
Highway widening and improvement demonstration project		2,375,000	+2,375,000

See footnotes at end of table, p. 2500.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 2890)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1988 (H.R. 2890), was not approved by the Congress. The bill passed the House on July 13, 1987, and passed the Senate, amended on October 29, 1987. The Senate asked for a conference on the bill October 29, 1987, and the House agreed to a conference November 4, 1987. No further conference action ocurred on H.R. 2890. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 100-202 for those programs and activities normally included in H.R. 2890 (see pp. 468-499, this volume, for Sec. 101(l) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988 [1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (-), appropriations compared with estimates
Corridor Safety Improvement Project *(Highway Trust Fund)*		$4,702,000	+$4,702,000
Bridge capacity improvements *(Highway Trust Fund)*		237,000	+237,000
Traffic Improvement Demonstration Project		475,000	+475,000
Total, Federal Highway Administration	$24,527,000	130,614,000	+106,087,000
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION			
Operations and research	57,727,000	62,534,000	+4,807,000
Highway Trust Fund	32,042,000	30,346,000	-1,696,000
Total, operations and research	89,769,000	92,880,000	+3,111,000
Highway traffic safety grants:			
(Liquidation of contract authorization) (Highway Trust Fund)	*(127,900,000)*	*(135,000,000)*	*(+7,100,000)*
State and community highway safety *(limitation on obligations)*	*(110,000,000)*	*(114,950,000)*	*(+4,950,000)*
Alcohol safety incentive grants *(limitation on obligations)*	*(17,900,000)*	*(13,533,000)*	*(-4,367,000)*
Education grants (sec. 209) *(cumulative limitation on obligations)*		*(4,750,000)*	*(+4,750,000)*
Total, National Highway Traffic Safety Administration	89,769,000	92,880,000	+3,111,000
FEDERAL RAILROAD ADMINISTRATION			
Office of the Administrator	3,382,000	22,877,000	+19,495,000
(By transfer)	*(16,000,000)*	[14] *(1,900,000)*	*(-14,100,000)*
Railroad safety	[15] 9,149,000	27,968,000	+18,819,000
(By transfer)	[16] *(31,350,000)*		*(-31,350,000)*
Railroad research and development		9,286,000	+9,286,000
Northeast corridor improvement program		26,600,000	+26,600,000
(By transfer)		[14] *(950,000)*	*(+950,000)*
Grants to the National Railroad Passenger Corporation		580,800,000	+580,800,000
Railroad Rehabilitation and Improvement Financing Funds: *(Railroad credit enhancement)*	*(206,000,000)*	*(205,000,000)*	*(-1,000,000)*
Settlements of railroad litigation *(appropriation for debt reduction)*		*(38,950,246)*	*(+38,950,246)*
Total, Federal Railroad Administration	12,531,000	667,531,000	+655,000,000
URBAN MASS TRANSPORTATION ADMINISTRATION			
Administrative expenses		31,882,000	+31,882,000
Research, training, and human resources		12,217,000	+12,217,000
Formula grants		1,736,453,000	+1,736,453,000
Formula transit grants:			
(Limitation of obligations)	*(1,373,835,000)*		*(-1,373,835,000)*
(Liquidation of contract authorization)	*(500,000,000)*		*(-500,000,000)*
Discretionary grants *(Highway Trust Fund), (limitation on obligations)*		*(1,130,500,000)*	*(+1,130,500,000)*
Mass transit capital fund *(Highway Trust Fund), (liquidation of contract authorization)*	*(600,000,000)*	*(1,100,000,000)*	*(+500,000,000)*
Interstate transfer grants—transit		123,500,000	+123,500,000
Washington Metro	130,000,000	180,500,000	+50,500,000
Total, Urban Mass Transportation Administration	130,000,000	2,084,552,000	+1,954,552,000

See footnotes at end of table, p. 2500.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 2890)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1988 (H.R. 2890), was not approved by the Congress. The bill passed the House on July 13, 1987, and passed the Senate, amended on October 29, 1987. The Senate asked for a conference on the bill October 29, 1987, and the House agreed to a conference November 4, 1987. No further conference action ocurred on H.R. 2890. Programs normally funded in this bill have been provided for under Sec. 101(l) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(l) of Public Law 100-202 for those programs and activities normally included in H.R. 2890 (see pp. 468-499, this volume, for Sec. 101(l) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION			
(Limitation on administrative expenses)	*($2,122,000)*	*($2,016,000)*	*(−$106,000)*
Operations and maintenance *(Harbor Maintenance Trust Fund)*	11,610,000	10,806,000	−804,000
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION			
Research and special programs	12,978,000	12,832,000	−146,000
Pipeline safety *(pipeline safety fund)*	9,584,000	8,550,000	−1,034,000
Total, Reseach and Special Programs Administration	22,562,000	21,382,000	−1,180,000
OFFICE OF THE INSPECTOR GENERAL			
Salaries and expenses	29,880,000	27,898,000	−1,982,000
Total, title I, Department of Transportation:			
New budget *(obligational)* authority	7,868,211,000	10,053,107,000	+2,184,896,000
(By transfer)	*(98,887,000)*	*(32,897,000)*	*(−65,990,000)*
(Limitation on general operating expenses)	*(219,061,000)*	*(206,736,000)*	*(−12,325,000)*
(Limitation on administrative expenses)	*(2,122,000)*	*(2,016,000)*	*(−106,000)*
(Limitation on borrowing authority)	*(75,000,000)*	*(57,000,000)*	*(−18,000,000)*
(Limitations on obligations)	*(15,440,735,000)*	*(14,489,980,000)*	*(−950,755,000)*
(Limitation of cumulative obligations)		*(4,750,000)*	*(+4,750,000)*
(Limitation on working capital fund)	*(149,382,000)*	*(127,801,000)*	*(−21,581,000)*
(Limitations on direct loans)	*(47,850,000)*	*(45,457,000)*	*(−2,393,000)*
(Appropriations to liquidate contract authorizations)	*(15,652,900,000)*	*(15,780,400,000)*	*(+127,500,000)*
TITLE II—RELATED AGENCIES			
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD			
Salaries and expenses	2,027,000	1,891,000	−136,000
NATIONAL TRANSPORTATION SAFETY BOARD			
Salaries and expenses	23,439,000	24,000,000	+561,000
INTERSTATE COMMERCE COMMISSION			
Salaries and expenses	47,619,000	44,294,000	−3,325,000
Payments for directed rail service *(limitation on obligations)*	*(500,000)*	*(475,000)*	*(−25,000)*
PANAMA CANAL COMMISSION			
Operating expenses	430,050,000	407,088,000	−22,962,000
Capital outlay	37,000,000	33,715,000	−3,285,000
Total, Panama Canal Commission	467,050,000	440,803,000	−26,247,000
DEPARTMENT OF THE TREASURY			
Rebate of Saint Lawrence Seaway tolls *(Harbor Maintenance Trust Fund)*	10,800,000	9,880,000	−920,000

See footnotes at end of table, p. 2500.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1988 (H.R. 2890)—Continued

[NOTE.—The Department of Transportation and Related Agencies Appropriation Bill, 1988 (H.R. 2890), was not approved by the Congress. The bill passed the House on July 13, 1987, and passed the Senate, amended on October 29, 1987. The Senate asked for a conference on the bill October 29, 1987, and the House agreed to a conference November 4, 1987. No further conference action ocurred on H.R. 2890. Programs normally funded in this bill have been provided for under Sec. 101(d) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(d) of Public Law 100-202 for those programs and activities normally included in H.R. 2890 (see pp. 468-499, this volume, for Sec. 101(d) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY			
Interest payments	$51,663,569	$49,080,000	−$2,583,569
Total, title II, related agencies			
New budget *(obligational)* authority	602,598,569	569,948,000	−32,650,569
(Limitation on obligations)	*(500,000)*	*(475,000)*	*(−25,000)*
Grand total, all titles			
New budget *(obligational)* authority	8,470,809,569	10,623,055,000	+2,152,245,431
(By transfer)	*(98,887,000)*	*(32,897,000)*	*(−65,990,000)*
(Limitation on general operating expenses)	*(219,061,000)*	*(206,736,000)*	*(−12,325,000)*
(Limitation on administrative expenses)	*(2,122,000)*	*(2,016,000)*	*(−106,000)*
(Limitation on borrowing authority)	*(75,000,000)*	*(57,000,000)*	*(−18,000,000)*
(Limitations on obligations)	*(15,441,235,000)*	*(14,490,455,000)*	*(−950,780,000)*
(Limitation of cumulative obligations)		*(4,750,000)*	*(+4,750,000)*
(Limitation on working capital fund)	*(149,382,000)*	*(127,801,000)*	*(−21,581,000)*
(Limitations on direct loans)	*(47,850,000)*	*(45,457,000)*	*(−2,393,000)*
(Appropriations to liquidate contract authorizations)	*(15,652,900,000)*	*(15,780,400,000)*	*(+127,500,000)*

Includes the following budget amendments:

H. Doc. 100-8:
- Department of Transportation
  - Federal Aviation Administration
    - Operations *(by transfer)* [2] $12,147,000

S. Doc. 100-13:
- Department of Transportation
  - Office of the Secretary
    - Salaries and expenses 287,000
    - Transportation planning, research and development [3] 1,000
    - *Limitation on working capital fund* 87,000
  - Coast Guard
    - Operating expenses [4] 1,000
    - Reserve training 29,000
  - Federal Aviation Administration
    - Headquarters Administration 230,000
    - Operations [5] 24,430,000
  - Federal Highway Administration
    - *Limitation on General Operating Expenses* [6] 9,000
    - Motor carrier safety (Highway Trust Fund) [7] 217,000
  - National Highway Traffic Safety Administration
    - Operations and research 329,000
  - Federal Railroad Administration
    - Office of the Administrator 85,000
    - Railroad safety [8] 150,000
  - Urban Mass Transportation Administration
    - Formula transit grants *(limitation on obligations)* [9] 263,000
  - Saint Lawrence Seaway Development Corporation
    - *(Limitation on administrative expenses)* 72,000
    - Operations and maintenance [10] 1,000
  - Research and Special Programs Administration
    - Research and special programs $61,000
    - Pipeline safety 20,000
  - Office of the Inspector General 220,000
- Related Agencies
  - Architectural and Transportation Barriers Compliance Board 13,000
  - National Transportation Safety Board 121,000
  - Interstate Commerce Commission 360,000

Total, S. Doc. 100-13 27,683,000

Total, budget amendments 27,683,000

[1] The President's budget request for "Salaries and Expenses" was for a consolidated amount of $46,704,000. Congress appropriated specific amounts for these funding levels.

[2] Transfer of unobligated balances of "Payments to air carriers".

[3] Transfer to be derived from "Payments to air carriers" and Expressway gap closing demonstration project.

[4] Includes $30,000,000 current trust funds.

[5] Includes $21,600,000 current trust funds.

[6] In addition, $105,000,000 is provided in the Department of Defense Appropriations Act, 1988 (Section 101(b), P.L. 100-202), **Title VIII, General Provisions (see Sec. 8136, p. 212, this volume)**.

[7] In addition, $20,000,000 is provided in the Department of Defense Appropriations Act, 1988 (Section 101(b), P.L. 100-202), **Title III, Procurement, Coastal Defense Augmentation (see p. 182, this volume)**.

[8] Includes $2,415,891,000 current trust funds.

[9] Includes $825,955,000 current trust funds.

[10] Proposed to be funded within the Limitation on General Operating Expenses account.

[11] Includes $5,193,333 current trust funds.

[12] Proposed to be financed by current trust funds.

[13] **Transfer of unobligated balances of "Airport access demonstration project".**

[14] **Includes funds for Railroad research and development.**

[15] Transfer of unobligated balances of "Redeemable preference shares".

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1988 (H.R. 2907)

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1988 (H.R. 2907), was not approved by the Congress. The bill passed the House on July 15, 1987, and passed the Senate, amended on September 25, 1987. The Senate asked for a conference on the bill September 25, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2907. Programs normally funded in this bill have been provided for under Sec. 101(m) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(m) of Public Law 100-202 for those programs and activities normally included in H.R. 2907 (see pp. 499-537, this volume, for Sec. 101(m) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
TITLE I—DEPARTMENT OF THE TREASURY			
Office of the Secretary:			
Salaries and expenses	$80,560,000	$55,681,000	−$24,879,000
International affairs		23,422,000	+23,422,000
Total, Office of the Secretary	80,560,000	79,103,000	−1,457,000
Federal Law Enforcement Training Center	23,082,000	28,672,000	+5,590,000
Financial Management Service	269,448,000	265,000,000	−4,448,000
Bureau of Alcohol, Tobacco and Firearms	195,132,000	217,531,000	+22,399,000
United States Customs Service:			
Salaries and expenses	800,682,000	966,000,000	+165,318,000
Operations and maintenance, air interdiction program	86,210,000	140,000,000	+53,790,000
Customs forfeiture fund *(limitation on availability of deposits)*	10,000,000	10,000,000	
Customs services at small airports *(to be derived from fees collected)*	486,000	486,000	
Total, United States Customs Service	897,378,000	1,116,486,000	+219,108,000
Payment to the Government of Puerto Rico		7,800,000	+7,800,000
United States Mint: Salaries and expenses	46,404,000	42,000,000	−4,404,000
Bureau of the Public Debt	240,844,000	215,000,000	−25,844,000
Payment of Government losses in shipment		400,000	+400,000
Internal Revenue Service:			
Salaries and expenses	87,165,000	87,165,000	
Processing tax returns	1,691,076,000	1,691,076,000	
Examinations and appeals	1,849,581,000	1,849,581,000	
Investigation, collection, and taxpayer service	1,424,028,000	1,431,058,000	+7,030,000
Total, Internal Revenue Service	5,051,850,000	5,058,880,000	+7,030,000
United States Secret Service	360,586,000	367,000,000	+6,414,000
Total, title I, Department of the Treasury, new budget *(obligational)* authority	7,165,284,000	7,397,872,000	+232,588,000
TITLE II—UNITED STATES POSTAL SERVICE			
Payment to the Postal Service Fund	71,795,000	517,000,000	+445,205,000
Payment to the Postal Service Fund for nonfunded liabilities		1,000	+1,000
Total, title II, United States Postal Service, new budget *(obligational)* authority	71,795,000	517,001,000	+445,206,000
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT			
Compensation of the President	250,000	250,000	
Office of Administration	16,243,000	16,000,000	−243,000
White House Conference for a Drug Free America		2,500,000	+2,500,000
The White House Office	26,779,000	26,426,000	−353,000
Executive Residence at the White House	7,374,000	7,403,000	+29,000
Official Residence of the Vice President	258,000	258,000	
Special Assistance to the President	2,157,000	2,163,000	+6,000
Council of Economic Advisers	2,564,000	2,500,000	−64,000
Office of Policy Development	3,030,000	3,000,000	−30,000
National Critical Materials Council	178,000	350,000	+172,000

See footnote at end of table, p. 2503.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1988 (H.R. 2907)—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1988 (H.R. 2907), was not approved by the Congress. The bill passed the House on July 15, 1987, and passed the Senate, amended on September 25, 1987. The Senate asked for a conference on the bill September 25, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2907. Programs normally funded in this bill have been provided for under Sec. 101(m) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(m) of Public Law 100-202 for those programs and activities normally included in H.R. 2907 (see pp. 499-537, this volume, for Sec. 101(m) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
National Security Council	$5,178,000	$5,000,000	−$178,000
Office of Management and Budget	39,670,000	39,000,000	−670,000
Office of Federal Procurement Policy	2,466,000	2,300,000	−166,000
Unanticipated needs	1,000,000	1,000,000	
Total, title III, Executive Office of the President, new budget *(obligational)* authority	107,147,000	108,150,000	+1,003,000
TITLE IV—INDEPENDENT AGENCIES			
Administrative Conference of the United States	1,680,000	1,865,000	+185,000
Advisory Commission on Intergovernmental Relations	1,390,000	1,378,000	−12,000
Advisory Committee on Federal Pay	206,000	200,000	−6,000
Committee for Purchase from the Blind and Other Severely Handicapped	821,000	850,000	+29,000
Federal Election Commission	14,129,000	14,174,000	+45,000
General Services Administration:			
Federal Buildings Fund:			
(Limitation on availability of revenue):			
Construction and acquisition of facilities	*(155,650,000)*	*(115,036,000)*	*(−40,614,000)*
Repairs and alterations	*(443,945,000)*	*(472,945,000)*	*(+29,000,000)*
Payment on purchase contracts	*(133,105,000)*	*(133,105,000)*	
Rental of space	*(1,193,400,000)*	*(1,169,532,000)*	*(−23,868,000)*
Real property operations	*(845,384,000)*	*(805,384,000)*	*(−40,000,000)*
Program direction and centralized services	*(48,014,000)*	*(48,014,000)*	
Design and construction services	*(115,036,000)*	*(110,036,000)*	*(−5,000,000)*
Total, Federal Buildings Fund *(limitations)*	*(2,934,534,000)*	*(2,854,052,000)*	*(−80,482,000)*
Federal Supply Service: Operating expenses	175,911,000	69,600,000	−106,311,000
Federal property resources service	12,248,000	12,000,000	−248,000
(By transfer)	*(31,080,000)*	*(30,000,000)*	*(−1,080,000)*
National defense stockpile transaction fund:			
(Limitation on administrative expenses)	*(36,080,000)*	*(35,000,000)*	*(−1,080,000)*
Appropriation		10,000,000	+10,000,000
(By transfer)		*(9,000,000)*	*(+9,000,000)*
General management and administration	123,490,000	122,500,000	−990,000
Real property relocation	47,000,000	5,000,000	−42,000,000
Information Resources Management Service	32,406,000	31,193,000	−1,213,000
Office of the Inspector General	24,441,000	24,334,000	−107,000
Allowances and Office Staff for Former Presidents	1,328,000	1,198,000	−130,000
Total, General Services Administration	416,824,000	275,825,000	−140,999,000
National Archives and Records Administration	109,788,000	116,000,000	+6,212,000
Office of Personnel Management:			
Salaries and expenses:			
Appropriation	101,834,000	101,834,000	
(Limitation on administrative expenses)	*(65,746,000)*	*(67,746,000)*	*(+2,000,000)*
Government payment for annuitants, employees health benefits	1,788,931,000	1,788,931,000	
Payment to civil service retirement and disability fund	4,720,913,000	4,720,913,000	
Total, Office of Personnel Management	6,611,678,000	6,611,678,000	

See footnote at end of table, p. 2503.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1988 (H.R. 2907)—Continued

[NOTE.—The Treasury, Postal Service, and General Government Appropriations Bill, 1988 (H.R. 2907), was not approved by the Congress. The bill passed the House on July 15, 1987, and passed the Senate, amended on September 25, 1987. The Senate asked for a conference on the bill September 25, 1987, and the House agreed to a conference October 15, 1987. No further conference action ocurred on H.R. 2907. Programs normally funded in this bill have been provided for under Sec. 101(m) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. The following table reflects the funding levels as provided under Sec. 101(m) of Public Law 100-202 for those programs and activities normally included in H.R. 2907 (see pp. 499-537, this volume, for Sec. 101(m) of Public Law 100-202).]

Agency and item	Estimates of new budget (obligational) authority, 1988[1]	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
Merit Systems Protection Board:			
Salaries and expenses:			
Appropriation	$20,957,000	$20,957,000	
(Limitation on administrative expenses)	*(1,600,000)*	*(1,200,000)*	*(−$400,000)*
Office of Special Counsel	4,673,000	4,673,000	
Total, Merit Systems Protection Board	25,630,000	25,630,000	
Federal Labor Relations Authority	17,882,000	17,576,000	−306,000
Total, federal personnel activities	6,655,190,000	6,654,884,000	−306,000
United States Tax Court	28,120,000	27,500,000	−620,000
Total, title IV, Independent Agencies:			
New budget *(obligational)* authority	7,228,148,000	7,092,676,000	−135,472,000
(By transfer)	*(31,080,000)*	*(39,000,000)*	*(+7,920,000)*
(Limitations)	*(3,037,960,000)*	*(2,957,998,000)*	*(−79,962,000)*
Grand total, all titles:			
New budget *(obligational)* authority	14,572,374,000	15,115,699,000	+543,325,000
(By transfer)	*(31,080,000)*	*(39,000,000)*	*(+7,920,000)*
(Limitations)	*(3,037,960,000)*	*(2,957,998,000)*	*(−79,962,000)*

[1] Includes the following budget amendments:

H. Doc. 100-71:

Executive Office of the President:	
Office of Administration	$331,000
The White House Office	567,000
Special Assistance to the President	67,000
Council of Economic Advisers	48,000
Office of Policy Development	64,000
National Security Council	121,000
Office of Management and Budget	1,313,000
Office of Federal Procurement Policy	23,000
Total, H. Doc. 100-71	2,534,000

H. Doc. 100-115:

Department of the Treasury:	
Bureau of Alcohol, Tobacco, and Firearms	2,094,000

S. Doc. 100-15:

Department of the Treasury:	
Office of the Secretary:	
Salaries and expenses	481,000
Federal Law Enforcement Training Center	51,000
Financial Management Service	556,000
United States Customs Service:	
Salaries and expenses	2,408,000
United States Mint	107,000
Bureau of the Public Debt	582,000
Internal Revenue Service:	
Processing tax returns	11,500,000
Examinations and appeals	7,000,000
Investigation, collection, and taxpayer service	1,500,000
United States Secret Service	3,413,000
Executive Office of the President:	
The White House Office	−$147,000
Executive Residence at the White House	29,000
Special Assistance to the President	26,000
Council of Economic Advisers	16,000
Office of Policy Development	28,000
National Security Council	25,000
Office of Administration	66,000
Office of Management and Budget	243,000
Independent Agencies:	
Administrative Conference of the United States	1,000
Committee for Purchase from the Blind and other Severely Handicapped	4,000
Federal Election Commission	45,000
General Services Administration:	
Federal supply service	808,000
General management and administration	669,000
Information Resources Management Service	182,000
Office of Inspector General	208,000
National Archives and Records Administration	478,000
Office of Personnel Management:	
Salaries and expenses	526,000
Merit Systems Protection Board:	
Salaries and expenses	157,000
Office of the Special Counsel	28,000
Federal Labor Relations Authority	69,000
Total, S. Doc. 100-15	31,383,000
Total, budget amendments	36,011,000

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1988, PUBLIC LAW 100-202, APPROVED DECEMBER 22, 1987

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1988 (H.R. 2763)			
Fiscal year 1988 appropriations *(net)* (pp. 132-172)	[1] *($14,815,903,000)*	[1] *($13,904,995,933)*	*(−$910,907,067)*
DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1988 (H.R. 3576)			
Fiscal year 1988 appropriations *(net)* (pp. 172-214)	[1] *(291,374,788,000)*	[1] *(275,451,818,000)*	*(−15,922,970,000)*
DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1988 (H.R. 2713)			
Federal funds *(net)* (pp. 214-228)	[1] *(507,070,000)*	[1] *(550,000,000)*	*(+42,930,000)*
Fiscal year 1988 appropriations *(net)*	[1] *(507,070,000)*	[1] *(530,000,000)*	*(+22,930,000)*
Fiscal year 1989 advance appropriation		[1] *(20,000,000)*	*(+20,000,000)*
District of Columbia funds *(net)* (pp. 214-228)	[1] *(3,141,641,000)*	[1] *(3,154,014,000)*	*(+12,373,000)*
Fiscal year 1988 appropriations	[1] *(3,070,220,000)*	[1] *(3,077,347,000)*	*(+7,127,000)*
Fiscal year 1987 supplemental appropriations *(net)*	[1] *(71,421,000)*	[1] *(76,667,000)*	*(+5,246,000)*
ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1988 (H.R. 2700)			
Fiscal year 1988 appropriations (pp. 228-253)	[1] *(17,647,127,000)*	[1] *(15,613,598,000)*	*(−2,033,529,000)*
FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1988 (H.R. 3186)			
Fiscal year 1988 appropriations (pp. 253-305)	[1] *(15,899,612,412)*	[1] *(13,598,746,741)*	*(−2,300,865,671)*
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1988 (H.R. 2783)			
Fiscal year 1988 appropriations *(net)* (pp. 305-330)	[1] *(51,996,129,313)*	[1] *(56,564,546,000)*	*(+4,568,416,687)*
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1988 (H.R. 2712)			
Fiscal year 1988 appropriations *(net)* (pp. 331-371)	[1] *(10,606,074,000)*	[1] *(9,827,216,000)*	*(−778,858,000)*
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1988 (H.R. 3058)			
Fiscal year 1988 appropriations (pp. 371-404)	[1] *(200,511,835,000)*	[1] *(128,245,381,000)*	*(−72,266,454,000)*
LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1988 (H.R. 2714)			
Fiscal year 1988 appropriations (pp. 404-423)	[1] *(1,979,888,800)*	[1] *(1,745,501,500)*	*(−234,387,300)*
MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1988 (H.R. 2906)			
Fiscal year 1988 appropriations *(net)* (pp. 423-434)	[1] *(9,851,957,000)*	[1] *(8,279,000,000)*	*(−1,572,957,000)*
RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1988 (H.R. 3520)			
Fiscal year 1988 appropriations (pp. 434-468)	[1] *(51,340,449,000)*	[1] *(52,355,502,000)*	*(+1,015,053,000)*

See footnote at end of table, p. 2505.

VIII. ITEMIZED COMPARISONS OF BUDGET ESTIMATES, APPROPRIATIONS AND RESCISSIONS ARRANGED BY ACTS, 100TH CONGRESS, 1ST SESSION—Continued

FOURTH FURTHER CONTINUING APPROPRIATIONS, 1988, PUBLIC LAW 100-202, APPROVED DECEMBER 22, 1987—Continued

Agency and item	Estimates of new budget (obligational) authority, 1988	New budget (obligational) authority appropriated, 1988	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1988 (H.R. 2890)			
Fiscal year 1988 appropriations (pp. 468-499)	[1] *($8,470,809,569)*	[1] *($10,623,055,000)*	*(+$2,152,245,431)*
TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1988 (H.R. 2907)			
Fiscal year 1988 appropriations (pp. 499-537)	[1] *(14,572,374,000)*	[1] *(15,115,699,000)*	*(+543,325,000)*
ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE			
Humanitarian assistance *(by transfer)* (pp. 541-546)		*(8,100,000)*	*(+8,100,000)*
AGRICULTURAL AID AND TRADE MISSIONS ACT			
Agricultural aid and trade missions (pp. 549-554)		200,000	+200,000
Total, Fourth Further Continuing Appropriations, 1988 (P.L. 100-202):			
New budget (obligational) authority		200,000	+200,000
(By transfer)		*(8,100,000)*	*(+8,100,000)*

[1] For informational purposes only. Even though funding authority for programs and activities normally included in these thirteen annual appropriations bills (H.R. 2763, H.R. 3576, H.R. 2713, H.R. 2700, H.R. 3186, H.R. 2783, H.R. 2712, H.R. 3058, H.R. 2714, H.R. 2906, H.R. 3520, H.R. 2890, and H.R. 2907) is provided in this continuing resolution (Public Law 100-202), a separate table VIII for each bill is included elsewhere in this volume.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 100TH CONGRESS, 1ST SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7 "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 100th Cong. 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS						
Departments of Commerce, Justice, and State, and the Judiciary, and related agencies *(net)*[1]	$14,747,351,000	$119,077,000	$50,525,000	$14,815,903,000	[1] $13,904,995,933	−$910,907,067
Department of Commerce	2,102,735,000		9,481,000	2,093,254,000	2,410,489,000	+317,235,000
Rescission					−1,541,067	−1,541,067
Department of Justice	5,346,949,000		25,769,000	5,321,180,000	5,025,504,000	−295,676,000
Department of State	3,296,479,000	100,927,000	8,599,000	3,388,807,000	2,688,465,000	−700,342,000
The Judiciary	1,442,528,000	18,150,000		1,460,678,000	1,329,934,000	−130,744,000
Related agencies	2,558,660,000		6,676,000	2,551,984,000	2,452,145,000	−99,839,000
Department of Defense *(net)*[2]	291,417,088,000	32,000,000	74,300,000	291,374,788,000	[2] 275,451,818,000	−15,922,970,000
Military personnel	76,299,200,000			76,299,200,000	75,270,179,000	−1,029,021,000
Operation and maintenance	86,064,694,000	32,000,000	32,000,000	86,064,694,000	80,337,490,000	−5,727,204,000
Procurement	83,886,671,000			83,886,671,000	84,195,392,000	+308,721,000
Research, development, test, and evaluation	43,718,937,000		42,300,000	43,676,637,000	37,067,316,000	−6,609,321,000
Revolving and management funds	1,201,214,000			1,201,214,000	881,214,000	−320,000,000
Chemical agents and munitions destruction, Defense	87,400,000			87,400,000	198,500,000	+111,100,000
Related agencies	158,972,000			158,972,000	157,757,000	−1,215,000
General provisions					875,000,000	+875,000,000
Rescissions					−3,531,030,000	−3,531,030,000

See footnotes at end of table, pp. 2514-2515.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7 "Compilers' Notes," p. III)]

Act and title	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 100th Cong. 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
REGULAR ANNUAL APPROPRIATION ACTS—Continued						
District of Columbia *(net)*[3]	$507,070,000			$507,070,000	[3] $550,000,000	+$42,930,000
Federal funds to the District of Columbia	507,070,000			507,070,000	570,000,000	+62,930,000
Rescission					−20,000,000	−20,000,000
(District of Columbia funds, fiscal year 1988)	*(3,070,220,000)*			*(3,070,220,000)*	*(3,077,347,000)*	*(+7,127,000)*
(District of Columbia funds, fiscal year 1987 supplemental) (net)		*($97,659,000)*	*($26,238,000)*	*(71,421,000)*	*(76,667,000)*	*(+5,246,000)*
Energy and water development[4]	17,662,797,000	61,000,000	76,670,000	17,647,127,000	[4] 15,613,598,000	−2,033,529,000
Department of Defense—Civil	3,262,200,000	60,000,000	70,051,000	3,252,149,000	3,247,108,000	−5,041,000
Department of the Interior	949,113,000	1,000,000	3,516,000	946,597,000	956,305,060	+9,708,000
Department of Energy	12,949,999,000		3,101,000	12,946,898,000	11,002,494,000	−1,944,404,000
Independent agencies	501,485,000		2,000	501,483,000	407,691,000	−93,792,000
Foreign operations, export financing, and related programs[5]	15,917,184,412		17,572,000	15,899,612,412	[5] 13,598,746,741	−2,300,865,671
Multilateral Economic Assistance	2,012,696,412			2,012,696,412	1,450,219,471	−562,476,941
Bilateral Economic Assistance	6,394,227,900		16,572,000	6,377,655,000	6,084,688,270	−292,966,730
Military Assistance	6,490,261,000		1,000,000	6,489,261,000	5,360,839,000	−1,128,422,000
Export Assistance	1,020,000,000			1,020,000,000	715,000,000	−305,000,000
General provisions					−12,000,000	−12,000,000
Department of Housing and Urban Development—Independent agencies *(net)*[6]	52,033,303,313	49,500,000	86,674,000	51,996,129,313	[6] 56,564,546,000	+4,568,416,687
Department of Housing and Urban Development	8,285,462,313		1,390,000	8,284,072,313	13,460,112,000	+5,176,039,687
Rescission of contract authority	*(−399,800,000)*			*(−399,800,000)*	−256,700,900	[7] −256,700,000
Independent agencies	43,747,841,000	49,500,000	85,284,000	43,712,057,000	43,361,134,000	−350,923,000
Corporations	*(31,805,000)*		*(182,000)*	*(31,623,000)*	*(31,923,000)*	*(+300,000)*
Department of the Interior and related agencies *(net)*[8]	7,714,840,000	2,936,978,000	45,744,000	10,606,074,000	[8] 9,827,216,000	−778,858,000
Department of the Interior	3,875,994,000		15,798,000	3,860,196,000	4,393,230,000	+533,034,000
Rescissions					−31,900,000	−31,900,000
Related agencies	3,838,846,000	2,936,978,000	29,946,000	6,745,878,000	5,540,886,000	−1,204,992,000
Rescission					−75,000,000	−75,000,000

Departments of Labor, Health and Human Services, and Education, and related agencies [9]	200,254,724,000	257,111,000		200,511,835,000	[9] 128,245,381,000	−72,266,454,000
Department of Labor	5,792,106,000	8,916,000		5,801,022,000	6,272,006,000	+470,984,000
Department of Health and Human Services	179,686,009,000	248,195,000		179,934,204,000	100,812,115,000	−79,122,089,000
Department of Education	13,985,555,000			13,985,555,000	20,178,460,000	+6,192,905,000
Related agencies	791,054,000			791,054,000	982,800,000	+191,746,000
Legislative branch [10]	1,960,452,300	19,436,500		1,979,888,800	[10] 1,745,501,500	−234,387,300
Congressional Operations	1,338,590,300	13,256,500		1,351,846,800	1,195,253,500	−156,593,300
Other agencies	621,862,000	6,180,000		628,042,000	550,248,000	−77,794,000
Military construction *(net)* [11]	9,851,957,000			9,851,957,000	[11] 8,279,000,000	−1,572,957,000
Military construction and family housing	9,851,957,000			9,851,957,000	8,435,200,000	−1,416,757,000
Rescissions					−156,200,000	−156,200,000
Rural developement, agriculture, and related agencies [12]	51,369,802,000	8,880,000	38,233,000	51,340,449,000	[12] 52,355,502,000	+1,015,053,000
Agricultural programs	23,760,714,000		13,774,000	23,746,940,000	23,871,233,000	+124,293,000
Rural development programs	10,131,985,000		21,020,000	10,110,965,000	10,365,112,000	+254,147,000
Domestic food programs	15,940,498,000		670,000	15,939,828,000	16,450,370,000	+510,542,000
International programs	1,054,061,000		206,000	1,053,855,000	1,158,408,000	+104,553,000
Related agencies	482,544,000	8,880,000	2,563,000	488,861,000	510,379,000	+21,518,000
Department of Transportation and related agencies [13]	8,498,492,569		27,683,000	8,470,809,569	[13] 10,623,055,000	+2,152,245,431
Department of Transportation	7,895,400,000		27,189,000	7,868,211,000	10,053,107,000	+2,184,896,000
Related agencies	603,092,569		494,000	602,598,569	569,948,000	−32,650,569
Treasury, Postal Service, and general government [14]	14,608,385,000		36,011,000	14,572,374,000	[14] 15,115,699,000	+543,325,000
Department of the Treasury	7,194,976,000		29,692,000	7,165,284,000	7,397,872,000	+232,588,000
United States Postal Service	71,795,000			71,795,000	517,001,000	+445,206,000
Executive Office of the President	110,261,000		3,114,000	107,147,000	108,150,000	+1,003,000
Independent agencies	7,231,353,000		3,205,000	7,228,148,000	7,092,676,000	−135,472,000
Net total, regular annual appropriation acts [15]	686,543,446,594	3,483,982,500	453,412,000	689,574,017,094	[15] 601,875,059,174	−87,698,957,920
SUPPLEMENTAL APPROPRIATION ACTS						
Emergency Food and Shelter Program, 1987 (P.L. 100-6)					−7,475,000	−7,475,000
Supplemental Appropriations Act, 1987 (P.L. 100-71)		14,153,898,862	1,587,631,000	12,566,267,862	9,970,332,976	−2,595,934,886
Rescissions			*(462,213,000)*	*(−462,213,000)*	−593,213,000	[7] −593,213,000
Net total, supplemental appropriation acts		14,153,898,862	1,587,631,000	12,566,267,862	9,369,644,976	−3,196,622,886

See footnotes at end of table, pp. 2514-2515.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7 "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 100th Cong. 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
CONTINUING APPROPRIATIONS						
Fourth Further Continuing Appropriations, 1988 (P.L. 100-202)					$200,000	+$200,000
Departments of Commerce, Justice, and State, the Judiciary, and related agencies, 1988 *(net)*[16]	($14,747,351,000)	($119,077,000)	($50,525,000)	($14,815,903,000)	[16](13,904,995,933)	(−910,907,067)
Department of Defense, 1988 *(net)*[16]	(291,417,088,000)	(32,000,000)	(74,300,000)	(291,374,788,000)	[16](275,451,818,000)	(−15,922,970,000)
District of Columbia, 1988 *(net)*[16]	(507,070,000)			(507,070,000)	[16](550,000,000)	(+42,930,000)
Energy and water development, 1988[16]	(17,662,797,000)	(61,000,000)	(76,670,000)	(17,647,127,000)	[16](15,613,598,000)	(−2,033,529,000)
Foreign operations, export financing, and related programs, 1988[16]	(15,917,184,412)		(17,572,000)	(15,899,612,412)	[16](13,598,746,741)	(−2,300,865,671)
Department of Housing and Urban Development—Independent agencies, 1988 *(net)*[16]	(52,033,303,313)	(49,500,000)	(86,674,000)	(51,996,129,313)	[16](56,564,546,000)	(+4,568,416,687)
Department of the Interior and related agencies, 1988 *(net)*[16]	(7,714,840,000)	(2,936,978,000)	(45,744,000)	(10,606,074,000)	[16](9,827,216,000)	(−778,858,000)
Departments of Labor, Health and Human Services, and Education, and related agencies, 1988[16]	(200,254,724,000)	(257,111,000)		(200,511,835,000)	[16](128,245,381,000)	(−72,266,454,000)
Legislative branch, 1988[16]	(1,960,452,300)	(19,436,500)		(1,979,888,800)	[16](1,745,501,500)	(−234,387,300)
Military construction, 1988 *(net)*[16]	(9,851,957,000)			(9,851,957,000)	[16](8,279,000,000)	(−1,572,957,000)
Rural development, agriculture, and related agencies, 1988[16]	(51,370,594,000)	(8,088,000)	(38,233,000)	(51,340,449,000)	[16](52,355,502,000)	(+1,015,053,000)
Department of Transportation and related agencies, 1988[16]	(8,498,492,569)		(27,683,000)	(8,470,809,569)	[16](10,623,055,000)	(+2,152,245,431)
Treasury, Postal Service and general government, 1988[16]	(14,608,385,000)		(36,011,000)	(14,572,374,000)	[16](15,115,699,000)	(+543,325,000)
Assistance to the Nicaraguan Democratic Resistance *(by transfer)*					(8,100,000)	(+8,100,000)
Agricultural aid and trade missions					200,000	+200,000
Total, continuing appropriations					200,000	+200,000
Estimates not considered (see Table VIIIi)	3,600,000	375,800,000	124,533,000	254,867,000		−254,867,000
Net total, regular annual, supplemental and continuing acts	686,547,046,594	18,013,681,362	2,165,576,000	702,395,151,956	611,244,904,150	−91,150,247,806

APPROPRIATIONS IN OTHER ACTS						
Legislative acts:						
Federal funds:						
Permanent appropriations:						
Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203):						
Payments to States from receipts under Mineral Leasing Act					8,000,000	+8,000,000
Other interest on the public debt					3,000,000	+3,000,000
Interim Extension of Certain Veterans Housing Programs (P.L. 100-136):						
Other interest on the public debt					−3,000,000	−3,000,000
Indian Law Technical Amendments of 1987 (P.L. 100-153):						
Claims, judgements, and relief acts					1,000,000	+1,000,000
Subtotal, Federal funds: Permanent appropriations					9,000,000	+9,000,000
Borrowing authority:						
Agricultural Credit Act of 1987 (P.L. 100-233):						
Agriculture credit insurance fund	50,000,000			50,000,000	70,000,000	+20,000,000
Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203):						
Rural telephone bank					−72,000,000	−72,000,000
Commodity Credit Corporation Fund	308,000,000			308,000,000	−1,167,000,000	−1,475,000,000
Postal Service	376,000,000			376,000,000	−820,000,000	−1,196,000,000
Loan Guarantee Revolving Fund					−680,000,000	−680,000,000
Farm Disaster Assistance Act of 1987 (P.L. 100-45):						
Commodity Credit Corporation Fund					−30,000,000	−30,000,000
Interim Extension of Certain Veterans Housing Programs (P.L. 100-136):						
Loan Guarantee Revolving Fund					680,000,000	+680,000,000
Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987 (P.L. 100-198):						
Loan Guarantee Revolving Fund					−53,000,000	−53,000,000
Housing and Community Development Act of 1987 (P.L. 100-242):						
National insurance development fund					−1,000,000	−1,000,000
Amend the Small Business Act and the Small Business Investment Act (P.L. 100-72):						
Business loan and investment fund	16,000,000			16,000,000	−43,000,000	−59,000,000
Subtotal, Federal funds: Borrowing authority	750,000,000			750,000,000	−2,116,000,000	−2,866,000,000
Total, Federal funds	750,000,000			750,000,000	−2,107,000,000	−2,857,000,000

See footnotes at end of table, pp. 2514-2515.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7 "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		Total budget estimates	New budget (obligational) authority appropriated, 100th Cong. 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
APPROPRIATIONS IN OTHER ACTS—Continued						
Legislative acts—Continued:						
Trust funds:						
Permanent appropriations:						
Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203):						
Federal hospital insurance trust fund	$1,811,000,000			$1,811,000,000	$113,000,000	−$1,698,000,000
Federal old-age and survivors insurance trust fund	473,000,000			473,000,000	431,000,000	−42,000,000
Federal disability insurance trust fund	42,000,000			42,000,000	38,000,000	−4,000,000
Unemployment trust fund	129,000,000			129,000,000	715,000,000	+586,000,000
Civil service retirement and disabiltiy fund	89,000,000			89,000,000	360,000,000	+271,000,000
Rail industry pension fund	230,000,000			230,000,000	144,000,000	−86,000,000
Technical Corrections to Federal Employees' Retirement System Act (P.L. 100-20)					10,000,000	+10,000,000
Subtotal, trust funds: Permanent appropriations	2,774,000,000			2,774,000,000	1,811,000,000	−963,000,000
Contract authority:						
Surface Transportation and Uniform Relocation Assistance Act of 1987 (P.L. 100-17):						
Federal-aid highways	9,287,000,000			9,287,000,000	9,604,000,000	+317,000,000
Highway-related safety grants	10,000,000			10,000,000	10,000,000	
Highway traffic safety grants	110,000,000			110,000,000	155,000,000	+45,000,000
Discretionary grants	1,374,000,000			1,374,000,000	1,200,000,000	−174,000,000
Airport and Airway Safety and Capicity Expansion Act of 1987 (P.L. 100-223):						
Grants-in-aid for airports	1,017,000,000			1,017,000,000	1,702,000,000	+685,000,000
Subtotal, trust funds: Contract authority	11,798,000,000			11,798,000,000	12,671,000,000	+873,000,000
Total, trust funds	14,572,000,000			14,572,000,000	14,482,000,000	−90,000,000
Total, appropriations in legislative acts[17]	15,322,000,000			15,322,000,000	[17]12,375,000,000	−2,947,000,000

Private appropriation acts (see p. 2327)[18]					([18])	
Total, appropriations in other acts	15,322,000,000			15,322,000,000	12,375,000,000	−2,947,000,000
Net total, regular annual, supplemental, continuing and other acts	701,869,046,594	$18,013,681,362	$2,165,576,000	717,717,151,956	623,619,904,150	−94,097,247,806
New budget *(obligational)* authority	(701,869,046,594)	(18,013,681,362)	(2,165,576,000)	(717,717,151,956)	(628,292,963,217)	(−89,424,188,739)
Rescissions of unobligated balances	*(−399,800,000)*		*(462,213,000)*	*(−862,013,000)*	(−4,673,059,067)	[7](−4,673,059,067)
PERMANENT APPROPRIATIONS[19]						
Federal funds:						
Department of Agriculture:						
Food and Nutrition Service	3,368,612,000			3,368,612,000	3,368,612,000	
Department of Defense:						
Military Retirement	11,200,000,000			11,200,000,000	11,200,000,000	
Department of Health and Human Services:						
Health Care Financing Administration	7,585,000,000			7,585,000,000	7,585,000,000	
Social Security Administration	8,409,035,000			8,409,035,000	8,409,035,000	
Department of the Treasury:						
Interest on the public debt	191,569,049,000			191,569,049,000	191,569,049,000	
Internal Revenue Service	4,736,000,000			4,736,000,000	4,736,000,000	
Independent Agencies:						
Office of Personnel Management	11,233,021,000			11,233,021,000	11,233,021,000	
Postal Service	2,900,355,000			2,900,355,000	2,900,355,000	
Railroad Retirement Board	2,463,000,000			2,463,000,000	2,463,000,000	
All other	9,643,326,000			9,643,326,000	9,643,326,000	
Total, Federal funds	253,107,398,000			253,107,398,000	253,107,398,000	
Trust funds:						
Funds Appropriated to the President:						
Foreign assistance	9,142,365,000			9,142,365,000	9,142,365,000	
Department of Defense:						
Military Retirement	33,409,000,000			33,409,000,000	33,409,000,000	
Department of Health and Human Services:						
Health Care Financing Administration	102,024,000,000			102,024,000,000	102,024,000,000	
Social Security Administration	259,158,351,000			259,158,351,000	259,158,351,000	
Department of Labor:						
Employment and Training Administration	24,200,010,000			24,200,010,000	24,200,010,000	
Department of Transportation:						
Federal Highway Administration	13,448,356,000			13,448,356,000	13,448,356,000	
Veterans Administration	1,607,480,000			1,607,480,000	1,607,480,000	

See footnotes at end of table, pp. 2514-2515.

VIIIa. RECAPITULATION OF ITEMIZED ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III).]

Act and title	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		*Total budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
PERMANENT APPROPRIATIONS—Continued [19]						
Trust funds—Continued:						
Independent agencies:						
Office of Personnel Management	$45,524,240,000			$45,524,240,000	$45,524,240,000	
Railroad Retirement Board	9,446,000,000			9,446,000,000	9,446,000,000	
All other	6,281,356,000			6,281,356,000	6,281,356,000	
Total, trust funds	504,241,158,000			504,241,158,000	504,241,158,000	
Total, permanent appropriations, Federal and trust funds	757,348,556,000			757,348,556,000	757,348,556,000	
Net total, regular annual, supplemental, continuing and other acts and permanent appropriations	1,459,217,602,594	$18,013,681,362	$2,165,576,000	1,475,065,707,956	1,380,968,460,150	−$94,097,247,806
Adjustments for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes", p. IV)	−209,337,833,000			−209,337,833,000	−209,337,833,000	
Net total for session	1,249,879,769,594	18,013,681,362	2,165,576,000	1,265,727,874,956	1,171,630,627,150	−94,097,247,806

[1] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 91, this volume)

[2] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(b) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 93, this volume)

[3] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 95, this volume)

[4] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(d) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 97, this volume)

[5] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 99, this volume)

[6] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(f) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 101, this volume)

[11] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(j) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 111, this volume)

[12] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 113, this volume)

[13] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(l) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 115, this volume)

[14] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(m) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. (See "Note" on p. 117, this volume)

[15] Funding for all thirteen of the regular annual appropriation bills, which were not passed by the Congress, is provided through Public Law 100-202, Fourth Further Continuing Appropriations, 1988.

[16] For informational purposes only. Amount included in net total for "regular annual appropriation acts" earlier in table.

[17] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344)

[1] Reflects actual rescission rather than comparison with request.

[2] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(g) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. See "Note" on p. 103, this volume.

[3] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. See "Note" on p. 103, this volume.

[4] Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988. See "Note" on p. 103, this volume.

requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 1, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act. see p. 1368 in the 1974 1975 volume for text of Sec. 401(d). This amount represents budget authority which falls within those exceptions.

[6] There were twelve private relief acts approved during the 100th Cong., 1st sess., however, there was no new budget obligational authority provided in any of those acts.

[7] Basically, amounts shown are taken from the January 1987 budget document (H. Doc. 100-3) and are subject to change as better data becomes available.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1988, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988		Total budget estimates, fiscal year 1988	New budget (obligational) authority appropriated, 100th Cong. 1st sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Agriculture:						
Regular annual appropriation acts	[1] $52,344,567,000		$42,304,000	[1] $52,302,263,000	$53,606,443,000	+$1,304,180,000
Rescissions					−75,000,000	−75,000,000
Continuing appropriations					200,000	+200,000
Legislative acts: Federal funds [2]	358,000,000			358,000,000	[2] −1,199,000,000	−1,557,000,000
Permanent appropriations:						
Federal funds	[3] 4,352,120,000			[3] 4,352,120,000	[3] 4,352,120,000	
(Authority to borrow)	*(44,707,000)*			*(44,707,000)*	*(44,707,000)*	
Trust funds	382,940,000			382,940,000	382,940,000	
Total, Department of Agriculture *(net)*	57,437,627,000		42,304,000	57,395,323,000	57,067,703,000	−327,620,000
Department of Commerce:						
Regular annual appropriation act	2,102,735,000		9,481,000	2,093,254,000	2,410,489,000	+317,235,000
Rescissions					−1,541,067	−1,541,067
Permanent appropriations:						
Federal funds	57,400,000			57,400,000	57,400,000	
Trust funds	36,600,000			36,600,000	36,600,000	
Total, Department of Commerce *(net)*	2,196,735,000		9,481,000	2,187,254,000	2,502,947,933	+315,693,933

See footnotes at end of table, p. 2523.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1988, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988		Total budget estimates, fiscal year 1988	New budget (obligational) authority appropriated, 100th Cong. 1st sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Defense—Civil:						
Regular annual appropriation acts	$3,307,784,000	$61,500,000	$70,084,000	$3,299,200,000	$3,306,596,000	+$7,396,000
Estimates not considered (see Table VIIIi)			191,000	−191,000		+191,000
Permanent appropriations:						
Federal funds	11,212,520,000			11,212,520,000	11,212,520,000	
Trust funds	33,893,305,000			33,893,305,000	33,893,305,000	
Total, Department of Defense—Civil	48,413,609,000	61,500,000	70,275,000	48,404,834,000	48,412,421,000	+7,587,000
Department of Defense—Military:						
Regular annual appropriation acts	301,110,073,000	32,000,000	74,300,000	301,067,773,000	287,260,291,000	−13,807,482,000
Rescissions					−3,687,230,000	−3,687,230,000
Appropriated during 99th Cong., 2d sess. for fiscal year 1988					*(221,000,000)	*(+221,000,000)
Permanent appropriations:				224,000,000	224,000,000	
Federal funds	224,000,000			*(3,000,000)	*(3,000,000)	
(Authority to borrow)	*(3,000,000)*			24,100,000	24,100,000	
Trust funds	24,100,000					
Total, Department of Defense—Military *(net)*	301,358,173,000	32,000,000	74,300,000	301,315,873,000	283,821,161,000	−17,494,712,000
District of Columbia—Federal Funds:						
Regular annual appropriation act	507,070,000			507,070,000	550,000,000	+42,930,000
Rescission					−20,000,000	−20,000,000
Appropriated during 99th Cong., 2d sess. for fiscal year 1988					*(20,000,000)	*(+20,000,000)
	20,000,000			20,000,000	20,000,000	
Permanent appropriations: Federal funds				527,070,000	550,000,000	+22,930,000
Total, District of Columbia—Federal Funds *(net)*	527,070,000					
(District of Columbia—Payable from District revenues:)				*(3,070,220,000)*	*(3,077,347,000)*	*(+7,127,000)*
(Regular annual appropriation act) (net)	*(3,070,220,000)*					
Department of Education:						
Regular annual appropriation acts	14,049,789,000		17,000	14,049,772,000	20,244,786,000	+6,195,014,000
Estimates not considered (see Table VIIIi)			1,691,000	−1,691,000		+1,691,000

Permanent appropriations:						
Federal funds	7,148,000			7,148,000	7,148,000	
Trust funds	10,000			10,000	10,000	
Total, Department of Education	14,056,947,000		1,708,000	14,055,239,000	20,251,944,000	+6,196,705,000
Department of Energy:						
Regular annual appropriation acts	13,774,355,000	1,036,978,000	22,904,000	14,788,429,000	12,540,690,000	−2,247,739,000
Permanent appropriations:						
Federal funds	213,530,000			213,530,000	213,530,000	
(Authority to borrow)	*(205,800,000)*			*(205,800,000)*	*(205,800,000)*	
Trust funds	138,200,000			138,200,000	138,200,000	
Total, Department of Energy	14,126,085,000	1,036,978,000	22,904,000	15,140,159,000	12,892,420,000	−2,247,739,000
Environmental Protection Agency:						
Regular annual appropriation act	4,689,415,000		9,353,000	4,680,062,000	5,027,442,000	+347,380,000
Permanent appropriations: Trust funds	10,000			10,000	10,000	
Total, Environmental Protection Agency	4,689,425,000		9,353,000	4,680,072,000	5,027,452,000	+347,380,000
Foreign Assistance:						
Regular annual appropriation act	15,494,144,412		17,572,000	15,476,572,412	13,143,706,741	−2,332,865,671
Estimates not considered (see Table VIIIi)		23,000,000		23,000,000		−23,000,000
Permanent appropriations:						
Federal funds	22,000,000			22,000,000	22,000,000	
(Authority to borrow)	*(22,000,000)*			*(22,000,000)*	*(22,000,000)*	
Trust funds	9,142,365,000			9,142,365,000	9,142,365,000	
(Contract authority)	*(9,137,000,000)*			*(9,137,000,000)*	*(9,137,000,000)*	
Total, Foreign Assistance	24,658,509,412	23,000,000	17,572,000	24,663,937,412	22,308,071,741	−2,355,865,671
General Government:						
Regular annual appropriation acts	7,249,682,569	20,000,000	12,506,000	7,257,176,569	6,866,453,000	−390,723,569
Appropriated during 99th Cong., 1st sess. and 2d sess. for fiscal year 1988					[4] *(227,200,000)*	*(+227,200,000)*
Estimates not considered (see Table VIIIi)			1,562,000	−1,562,000		+1,562,000
Legislative acts: Federal funds [2]					[2] −1,000,000	−1,000,000
Permanent appropriations:						
Federal funds	467,947,000			467,947,000	467,947,000	
(Authority to borrow)	*(227,247,000)*			*(227,247,000)*	*(227,247,000)*	
Trust funds	3,699,430,000			3,699,430,000	3,699,430,000	
Total, General Government	11,417,059,569	20,000,000	14,068,000	11,422,991,569	11,032,830,000	−390,161,569
General Services Administration:						
Regular annual appropriation acts	420,060,000		1,897,000	418,163,000	277,104,000	−141,059,000
Permanent appropriations: Federal funds	16,708,000			16,708,000	16,708,000	
Total, General Services Administration	436,768,000		1,897,000	434,871,000	293,812,000	−141,059,000

See footnotes at end of table, p. 2523.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1988, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988		Total budget estimates, fiscal year 1988	New budget (obligational) authority appropriated, 100th Cong. 1st sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Department of Health and Human Services:						
Regular annual appropriation acts	$82,389,379,000	$257,075,000	$4,326,000	$82,642,128,000	$88,547,159,000	+$5,905,031,000
Appropriated during 99th Cong., 2d sess. for fiscal year 1988					[4] *(12,598,065,000)*	*(+12,598,065,000)*
Estimates not considered (see Table VIIIi)		3,200,000	13,053,000	−9,853,000		+9,853,000
Legislative acts: Trust funds [2]	2,326,000,000			2,326,000,000	[2] 582,000,000	−1,744,000,000
Permanent appropriations:						
Federal funds	19,408,100,000			19,408,100,000	19,408,100,000	
Trust funds	361,190,475,000			361,190,475,000	361,190,475,000	
Total, Department of Health and Human Services	465,313,954,000	260,275,000	17,379,000	465,556,850,000	469,727,734,000	+4,170,884,000
Department of Housing and Urban Development:						
Regular annual appropriation act	8,285,462,313		1,390,000	8,284,072,313	13,460,112,000	+5,176,039,687
Rescission of contract authority	*(−399,800,000)*			*(−399,800,000)*	−256,700,000	[5] −256,700,000
Estimates not considered (see Table VIIIi)	3,600,000			3,600,000		−3,600,000
Permanent appropriations:						
Federal funds	1,940,060,000			1,940,060,000	1,940,060,000	
(Authority to borrow)	*(1,932,900,000)*			*(1,932,900,000)*	*(1,932,900,000)*	
Trust funds	5,000			5,000	5,000	
Total, Department of Housing and Urban Development *(net)*	10,229,127,313		1,390,000	10,227,737,313	15,143,477,000	+4,915,739,687
Department of the Interior:						
Regular annual appropriation acts	4,825,107,000	1,000,000	19,314,000	4,806,793,000	5,349,535,000	+542,742,000
Rescissions					−31,900,000	−31,900,000
Estimates not considered (see Table VIIIi)		2,000,000	2,000,000			
Legislative acts: Federal funds [2]					[2] 8,000,000	+8,000,000
Permanent appropriations:						
Federal funds	949,821,000			949,821,000	949,821,000	
(Authority to borrow)	*(1,300,000)*			*(1,300,000)*	*(1,300,000)*	
(Contract authority)	*(30,000,000)*			*(30,000,000)*	*(30,000,000)*	
Trust funds	637,990,000			637,990,000	637,990,000	

Total, Department of the Interior *(net)*	6,412,918,000	3,000,000	21,314,000	6,394,604,000	6,913,446,000	+518,842,000
The Judiciary:						
Regular annual appropriation act	1,436,928,000	18,150,000		1,455,078,000	1,324,805,000	−130,273,000
Permanent appropriations: Trust funds	15,096,000			15,096,000	15,096,000	
Total, The Judiciary	1,452,024,000	18,150,000		1,470,174,000	1,339,901,000	−130,273,000
Department of Justice:						
Regular annual appropriation act	5,346,949,000		25,769,000	5,321,180,000	5,025,504,000	−295,676,000
Permanent appropriations: Federal funds	324,692,000			324,692,000	324,692,000	
Total, Department of Justice	5,671,641,000		25,769,000	5,645,872,000	5,350,196,000	−295,676,000
Department of Labor:						
Regular annual appropriation act	5,792,106,000	8,916,000		5,801,022,000	6,272,006,000	+470,984,000
Estimates not considered (see Table VIII)			6,036,000	−6,036,000		+6,036,000
Legislative acts: Trust funds [2]	129,000,000			129,000,000	[2] 715,000,000	+586,000,000
Permanent appropriations: Trust funds	24,294,010,000			24,294,010,000	24,294,010,000	
Total, Department of Labor	30,215,116,000	8,916,000	6,036,000	30,217,996,000	31,281,016,000	+1,063,020,000
Legislative Branch:						
Regular annual appropriation act	1,960,452,300	19,436,500		1,979,888,800	1,745,501,500	−234,387,300
Permanent appropriations:						
Federal funds	181,172,000			181,172,000	181,172,000	
Trust funds	8,201,000			8,201,000	8,201,000	
Total, Legislative Branch	2,149,825,300	19,436,500		2,169,261,800	1,934,874,500	−234,387,300
National Aeronautics and Space Administration:						
Regular annual appropriation act	9,481,000,000	28,000,000	8,805,000	9,500,195,000	8,856,461,000	−643,734,000
Office of Personnel Management:						
Regular annual appropriation act	6,612,204,000		526,000	6,611,678,000	6,611,678,000	
Legislative acts: Trust funds [2]	89,000,000			89,000,000	[2] 370,000,000	+281,000,000
Permanent appropriations:						
Federal funds	11,233,021,000			11,233,021,000	11,233,021,000	
Trust funds	45,524,240,000			45,524,240,000	45,524,240,000	
Total, Office of Personnel Management	63,458,465,000		526,000	63,457,939,000	63,738,939,000	+281,000,000
Postal Service:						
Regular annual appropriation act	71,795,000			71,795,000	517,001,000	+445,206,000
Legislative acts: Federal funds [2]	376,000,000			376,000,000	[2] −820,000,000	−1,196,000,000
Permanent appropriations:						
Federal funds	2,900,355,000			2,900,355,000	2,900,355,000	
(Authority to borrow)	*(2,900,355,000)*			*(2,900,355,000)*	*(2,900,355,000)*	
Total, Postal Service	3,348,150,000			3,348,150,000	2,597,356,000	−750,794,000

See footnotes at end of table, p. 2523.

VIIIb. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1988, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Original budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988		Total budget estimates, fiscal year 1988	New budget (obligational) authority appropriated, 100th Cong. 1st sess. (table IVa)	Increase (+) or decrease (−), appropriations compared with estimates
		Increases	Decreases			
Railroad Retirement Board:						
Regular annual appropriation act	$279,100,000			$279,100,000	$355,423,000	+$76,323,000
Legislative acts: Trust funds [2]	230,000,000			230,000,000	[2] 144,000,000	−86,000,000
Permanent appropriations:						
Federal funds	2,463,000,000			2,463,000,000	2,463,000,000	
Trust funds	9,446,000,000			9,446,000,000	9,446,000,000	
Total, Railroad Retirement Board	12,418,100,000			12,418,100,000	12,408,423,000	−9,677,000
Small Business Administration:						
Regular annual appropriation act	380,598,000		$1,341,000	379,257,000	414,985,000	+35,728,000
Legislative acts: Federal funds [2]	16,000,000			16,000,000	[2] −43,000,000	−59,000,000
Total, Small Business Administration	396,598,000		1,341,000	395,257,000	371,985,000	−23,272,000
Department of State:						
Regular annual appropriation acts	3,719,519,000	$100,927,000	8,599,000	3,811,847,000	3,143,505,000	−668,342,000
Permanent appropriations:						
Federal funds	150,345,000			150,345,000	150,345,000	
Trust funds	743,733,000			743,733,000	743,733,000	
Total, Department of State	4,613,597,000	100,927,000	8,599,000	4,705,925,000	4,037,583,000	−668,342,000
Department of Transportation:						
Regular annual appropriation acts	7,963,388,000		27,438,000	7,935,950,000	10,129,570,000	+2,193,620,000
Legislative acts: Trust funds [2]	11,798,000,000			11,798,000,000	[2] 12,671,000,000	+873,000,000
Permanent appropriations:						
Federal funds	60,837,000			60,837,000	60,837,000	
(Authority to borrow)	*(55,537,000)*			*(55,537,000)*	*(55,537,000)*	
Trust funds	13,448,836,000			13,448,836,000	13,448,836,000	
(Contract authority)	*(13,447,000,000)*			*(13,447,000,000)*	*(13,447,000,000)*	
Total, Department of Transportation *(net)*	33,271,061,000		27,438,000	33,243,623,000	36,310,243,000	+3,066,620,000

Department of the Treasury:						
Regular annual appropriation acts	7,205,776,000		29,692,000	7,176,084,000	7,407,752,000	+ 231,668,000
Legislative acts, Federal funds[2]					[2] 1,000,000	+ 1,000,000
Private appropriation acts[3]					[3]	
Permanent appropriations:						
Federal funds	196,902,622,000			196,902,622,000	196,902,622,000	
Trust funds	8,132,000			8,132,000	8,132,000	
Total, Department of the Treasury	204,116,530,000		29,692,000	204,086,838,000	204,319,506,000	+ 232,668,000
Veterans Administration:						
Regular annual appropriation act	26,964,593,000		65,794,000	26,898,799,000	27,024,784,000	+ 125,985,000
Estimates not considered (see Table VIII)		169,200,000		169,200,000		169,200,000
Legislative acts, Federal funds[2]					[2] 53,000,000	53,000,000
Permanent appropriations, Trust funds	1,607,480,000			1,607,480,000	1,607,480,000	
Total, Veterans Administration	28,572,073,000	169,200,000	65,794,000	28,675,479,000	28,579,264,000	96,215,000
Grand total, new budget *(obligational)* authority *(net)*	1,360,438,187,594	1,781,382,500	477,945,000	1,361,741,625,094	1,357,071,167,174	4,670,457,920
Consisting of—						
Regular annual appropriation acts	587,764,031,594	1,583,982,500	453,412,000	588,894,602,094	591,419,782,241	+ 2,525,180,147
Rescissions	*(−399,800,000)*			*(−399,800,000)*	4,072,371,067	[5] 4,072,371,067
Continuing appropriations					200,000	+ 200,000
Estimates not considered (see Table VIII)	3,600,000	197,400,000	24,533,000	176,467,000		176,467,000
Appropriated during prior Congressional sessions for fiscal year 1988					[6] *(13,066,265,000)*	*(+ 13,066,265,000)*
Appropriations in legislative acts:						
Federal funds[2]	750,000,000			750,000,000	[2] 2,107,000,000	2,857,000,000
Trust funds[2]	14,572,000,000			14,572,000,000	[2] 14,482,000,000	90,000,000
Private appropriation acts[3]				[3]		
Permanent appropriations:						
Federal funds	253,107,398,000			253,107,398,000	[7] 253,107,398,000	
(Authority to borrow)	*(5,392,846,000)*			*(5,392,846,000)*	*(5,392,846,000)*	
(Contract authority)	*(30,000,000)*			*(30,000,000)*	*(30,000,000)*	
Trust funds	504,241,158,000			504,241,158,000	[7] 504,241,158,000	
(Contract authority)	*(22,584,000,000)*			*(22,584,000,000)*	*(22,584,000,000)*	
Subtotal *(net)*	1,360,438,187,594	1,781,382,500	477,945,000	1,361,741,625,094	1,357,071,167,174	4,670,457,920
Less adjustments for interfund and intragovernmental transactions (see par. 6, "Compilers' Notes", p. IV)	209,337,833,000			209,337,833,000	209,337,833,000	
Net for fiscal year 1988 (100th Congress, 1st session)	1,151,100,354,594	1,781,382,500	477,945,000	1,152,403,792,094	1,147,733,334,174	4,670,457,920

[1] Includes $15,937,848,000 for the Commodity Credit Corporation submitted in the President's budget (H. Doc. 100-4) as "Permanent Federal funds" (see footnote 3 below).

[2] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 1, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1976 in the 1974-1975 volume for text of Sec. 401(d)). This amount represents budget authority which falls within these exceptions.

[3] Excludes $15,937,848,000 for the Commodity Credit Corporation submitted in the President's budget (H. Doc. 100-4) as "Permanent Federal funds" but reflected in this table as part of a "current definite" appropriation of $21,133,658,000 provided in Public Law 100-202 (see pp. **447 and 2490, this volume**).

[4] Included under "Permanent appropriations, Federal funds."

[5] Reflects actual rescission rather than comparison with request.

[6] There were twelve private relief acts approved during the 100th Cong., 1st sess.; however, there was no new budget (obligational) authority provided in any of these acts.

[7] Subject to revision as better data becomes available.

VIIIc. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1987, ARRANGED BY AGENCIES, 100TH CONGRESS, 1ST SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts, and private acts)

Department or establishment	Budget estimates, fiscal year 1987	New budget (obligational) authority appropriated, fiscal year 1987	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture *(net)*	$6,656,615,000	$5,692,447,000	−$964,168,000
New budget *(obligational)* authority	(6,656,615,000)	(5,728,447,000)	(−928,168,000)
Rescissions		(−36,000,000)	(−36,000,000)
Department of Commerce	15,130,000	15,130,000	
Department of Defense—Civil	74,000	40,000	−34,000
Department of Defense—Military	3,369,888,000	1,324,645,000	−2,045,243,000
District of Columbia:			
(Payable from District revenues—net)	*(71,421,000)*	*(76,667,000)*	*(+5,246,000)*
(New budget (obligational) authority)	*(92,413,000)*	*(97,659,000)*	*(+5,246,000)*
(Rescissions)	*(−20,992,000)*	*(−20,992,000)*	
Department of Education		14,800,000	+14,800,000
Environmental Protection Agency		9,000,000	+9,000,000
Foreign Assistance	1,159,704,486	387,871,486	−771,833,000
General Government *(net)*	−20,596,824	−75,006,824	−54,410,000
New budget *(obligational)* authority	(−20,596,824)	(−67,531,824)	(−46,935,000)
Rescissions		(−7,475,000)	(−7,475,000)
General Services Administration		3,835,000	+3,835,000
Department of Health and Human Services	45,200,000	410,413,000	+365,213,000
Department of Housing and Urban Development *(net)*	−90,731,000	−282,213,000	−191,482,000
New budget *(obligational)* authority	(−90,731,000)	(245,000,000)	(+335,731,000)
Rescissions	*(−462,213,000)*	(−527,213,000)	[1](−527,213,000)
Department of the Interior *(net)*	23,028,000	111,305,000	+88,277,000
New budget *(obligational)* authority	(23,028,000)	(141,305,000)	(+118,277,000)
Rescissions		(−30,000,000)	(−30,000,000)
The Judiciary	95,682,000	67,116,000	−28,566,000
Department of Justice	297,971,000	277,631,000	−20,340,000
Department of Labor	1,202,000	31,202,000	+30,000,000
Legislative Branch	109,956,200	85,011,700	−24,944,500
National Aeronautics and Space Administration		303,000,000	+303,000,000
Office of Personnel Management		1,129,000	+1,129,000
Postal Service	79,177,000		−79,177,000
Department of State	119,584,000	95,606,831	−23,977,169
Department of Transportation	86,717,000	131,643,783	+44,926,783
Department of the Treasury	217,966,000	239,889,000	+21,923,000
Veterans Administration	478,101,000	525,149,000	+47,048,000
New budget *(obligational)* authority	(399,701,000)	(525,149,000)	(+125,448,000)
Estimates not considered	(78,400,000)		(−78,400,000)
Grand total *(net)*	12,644,667,862	9,369,644,976	−3,275,022,886
Consisting of—			
Supplemental appropriation acts *(net)*	12,566,267,862	9,369,644,976	−3,196,622,886
New budget *(obligational)* authority	(12,566,267,862)	(9,970,332,976)	(−2,595,934,886)
Rescissions	*(−462,213,000)*	(−600,688,000)	[1](−600,688,000)
Estimates not considered	78,400,000		−78,400,000
(District of Columbia funds—net)	*(71,421,000)*	*(76,667,000)*	*(+5,246,000)*

[1] Reflects actual rescission rather than comparison with request.

VIIId. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1989, ARRANGED BY AGENCIES, 100TH CONGRESS, 1ST SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual appropriation acts)

Department or establishment	Budget estimates, fiscal year 1989	New budget (obligational) authority appropriated, fiscal year 1989	Increase (+) or decrease (−), appropriations compared with estimates
DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1988			
FEDERAL FUNDS			
Criminal justice initiative		$20,000,000	+$20,000,000
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1988			
DEPARTMENT OF ENERGY			
Clean coal technology	$500,000,000	525,000,000	+25,000,000
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1988			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION			
Federal subsidy for Saint Elizabeths Hospital	24,000,000		−24,000,000
OFFICE OF ASSISTANT SECRETARY OF HEALTH			
Retirement pay and medical benefits for commissioned officers	100,350,000		−100,350,000
HEALTH CARE FINANCING ADMINISTRATION			
Grants to States for Medicaid	30,870,000,000	8,000,000,000	−22,870,000,000
Payments to health care trust funds	30,306,000,000		−30,306,000,000
SOCIAL SECURITY ADMINISTRATION			
Payments to social security trust funds	93,291,000		−93,291,000
Special benefits for disabled coal miners	862,590,000	250,000,000	−612,590,000
Supplemental security income program	12,102,224,000	3,000,000,000	−9,102,224,000
FAMILY SUPPORT ADMINISTRATION			
Family support payments to States	10,107,868,000	2,500,000,000	−7,607,868,000
Total	84,466,323,000	13,750,000,000	−70,716,323,000
RELATED AGENCIES			
Railroad Retirement Board	3,100,000		−3,100,000
Total, fiscal year 1989	84,969,423,000	14,295,000,000	−70,674,423,000

VIIIe. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1990, ARRANGED BY AGENCIES, 100TH CONGRESS, 1ST SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts)

Department or establishment	Budget estimates, fiscal year 1990	New budget (obligational) authority appropriated, fiscal year 1990	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1988			
DEPARTMENT OF ENERGY			
Clean coal technology	$500,000,000		−$500,000,000
DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1988			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
HEALTH CARE FINANCING ADMINISTRATION			
Grants to States for Medicaid	8,500,000,000		−8,500,000,000
SOCIAL SECURITY ADMINISTRATION			
Special benefits for disabled coal miners	220,050,000		−220,050,000
Supplemental security income program	2,684,000,000		−2,684,000,000
FAMILY SUPPORT ADMINISTRATION			
Family support payments to States	2,673,942,000		−2,673,942,000
Total	14,077,992,000		−14,077,992,000
RELATED AGENCIES			
Corporation for Public Broadcasting	132,000,000	$232,648,000	+100,648,000
Total, fiscal year 1990	14,709,992,000	232,648,000	−14,477,344,000

VIIIf. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1991, ARRANGED BY AGENCIES, 100TH CONGRESS, 1ST SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts)

Department or establishment	Budget estimates, fiscal year 1991	New budget (obligational) authority appropriated, fiscal year 1991	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1988			
DEPARTMENT OF ENERGY			
Clean coal technology, fiscal year 1991	$500,000,000		−$500,000,000

VIIIg. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, FISCAL YEAR 1992, ARRANGED BY AGENCIES, 100TH CONGRESS, 1ST SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 7, "Compilers' Notes," p. III).]

(Amounts considered in regular annual and supplemental appropriation acts)

Department or establishment	Budget estimates, fiscal year 1992	New budget (obligational) authority appropriated, fiscal year 1992	Increase (+) or decrease (−), appropriations compared with estimates
DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1988			
DEPARTMENT OF ENERGY			
Clean coal technology, fiscal year 1992	$500,000,000		−$500,000,000

VIIIh. RECAPITULATION OF COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS, 100TH CONGRESS, 1ST SESSION

[NOTE.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations (see explanation, par. 4, "Compilers' Notes," p. III).]

	Amount
Net reduction below budget estimates for fiscal 1987 (p. 2525)	—$3,275,022,886
Net reduction below budget estimates for fiscal 1988 (p. 2523)	—4,670,457,920
Net reduction below budget estimates for fiscal 1989 (p. 2527)	—70,674,423,000
Net reduction below budget estimates for fiscal 1990 (p. 2529)	—14,477,344,000
Net reduction below budget estimates for fiscal 1991 (p. 2531)	—500,000,000
Net reduction below budget estimates for fiscal 1992 (p. 2533)	—500,000,000
Total net reduction below budget estimates, 100th Cong., 1st sess.	—94,097,247,806

VIIIi. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		Total budget estimates not considered
			Increases	Decreases	
DEPARTMENT OF DEFENSE—CIVIL					
SOLDIERS' AND AIRMEN'S HOME					
Operation and maintenance, 1988	S 100-15			$191,000	-$191,000
DEPARTMENT OF EDUCATION					
DEPARTMENTAL MANAGEMENT					
Salaries and expenses, 1988	S 100-15			1,691,000	-1,691,000
FOREIGN ASSISTANCE					
International disaster assistance, 1987	100-51			100,000,000	-100,000,000
Economic support fund, 1987	100-51		$100,000,000		100,000,000
Economic support fund, 1988	S 100-12		23,000,000		23,000,000
Total, Funds appropriated to the President			123,000,000	100,000,000	23,000,000
GENERAL GOVERNMENT					
ACTION					
Operating expenses, 1988	S 100-15			170,000	-170,000
BOARD FOR INTERNATIONAL BROADCASTING					
Salaries and expenses, 1988	S 100-15			144,000	-144,000
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION					
Salaries and expenses, 1988	S 100-15			28,000	-28,000
NATIONAL COMMISSION OF LIBRARIES AND INFORMATION SCIENCE					
Salaries and expenses, 1988	S 100-15			8,000	-8,000
NATIONAL COUNCIL ON THE HANDICAPPED					
Salaries and expenses, 1988	S 100-15			4,000	-4,000
NATIONAL LABOR RELATIONS BOARD					
Salaries and expenses, 1988	S 100-15			1,141,000	-1,141,000
NATIONAL MEDIATION BOARD					
Salaries and expenses, 1988	S 100-15			26,000	-26,000
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION					
Salaries and expenses, 1988	S 100-15			41,000	-41,000
Total, General Government				1,562,000	-1,562,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
HEALTH RESOURCES AND SERVICES ADMINISTRATION					
Health resources and services, 1988	S 100-15			579,000	-579,000
Program operation, 1988	100-146		3,200,000		3,200,000
Health care quality improvement database, 1988	100-146			3,200,000	-3,200,000

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VIIIi. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		Total budget estimates not considered
			Increases	Decreases	
CENTERS FOR DISEASE CONTROL					
Disease control, research, and training, 1988	S 100-15			$1,053,000	-$1,053,000
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute, 1988	S 100-15			1,400,000	-1,400,000
National Heart, Lung and Blood Institute, 1988	S 100-15			484,000	-484,000
National Institute of Dental Research, 1988	S 100-15			148,000	-148,000
National Institute of Diabetes and Digestive and Kidney Diseases, 1988	S 100-15			321,000	-321,000
National Institute of Neurological and Communicative Disorders and Stroke, 1988	S 100-15			313,000	-313,000
National Institute of Allergy and Infectious Diseases, 1988	S 100-15			354,000	-354,000
National Institute of General Medical Sciences, 1988	S 100-15			93,000	-93,000
National Institute of Child Health and Human Development, 1988	S 100-15			232,000	-232,000
National Eye Institute, 1988	S 100-15			99,000	-99,000
National Institute of Environmental Health Sciences, 1988	S 100-15			217,000	-217,000
National Institute on Aging, 1988	S 100-15			158,000	-158,000
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 1988	S 100-15			43,000	-43,000
Research resources, 1988	S 100-15			47,000	-47,000
National Center for Nursing Research, 1988	S 100-15			6,000	-6,000
John E. Fogarty International Center, 1988	S 100-15			18,000	-18,000
National Library of Medicine, 1988	S 100-15			202,000	-202,000
Office of the Director, 1988	S 100-15			205,000	-205,000
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION					
Alcohol, drug abuse, and mental health, 1988	S 100-15			620,000	-620,000
OFFICE OF ASSISTANT SECRETARY FOR HEALTH					
Public Health Service management, 1988	S 100-15			361,000	-361,000
HEALTH CARE FINANCING ADMINISTRATION					
Program management, 1988	S 100-15			545,000	-545,000
SOCIAL SECURITY ADMINISTRATION					
Special benefits for disabled coal miners, 1988	S 100-15			40,000	-40,000
FAMILY SUPPORT ADMINISTRATION					
Program administration, 1988	S 100-15			393,000	-393,000
HUMAN DEVELOPMENT SERVICES					
Human development services, 1988	S 100-15			454,000	-454,000
DEPARTMENTAL MANAGEMENT					
General departmental management, 1988	S 100-15			846,000	-846,000
Office of the Inspector General, 1988	S 100-15			477,000	-477,000
Office for Civil Rights, 1988	S 100-15			145,000	-145,000
Total, Department of Health and Human Services			$3,200,000	13,053,000	-9,853,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Fair housing initiatives, 1988[1]	100-4	$3,600,000			3,600,000
DEPARTMENT OF THE INTERIOR					
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT					
Abandoned mine reclamation fund, 1988	S 100-17			619,000	-619,000

See footnote at end of table, p. 2539.

VIIIi. SUMMARY OF ESTIMATES NOT CONSIDERED, BY FISCAL YEARS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

Department or establishment	H. Doc. No. (unless otherwise indicated)	Regular budget estimates, fiscal year 1988	Budget amendments and supplemental estimates, fiscal year 1988 and prior years		Total budget estimates not considered
			Increases	Decreases	
GEOLOGICAL SURVEY					
Surveys, investigations and research, 1988	S 100-17		$2,000,000		$2,000,000
UNITED STATES FISH AND WILDLIFE SERVICE					
Resource management, 1988	S 100-17			$1,095,000	-1,095,000
BUREAU OF INDIAN AFFAIRS					
Operation of Indian programs, 1988	S 100-17			286,000	-286,000
Total, Department of the Interior			2,000,000	2,000,000	
DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
Program administration, 1988	S 100-15			465,000	-465,000
LABOR-MANAGEMENT SERVICES					
Salaries and expenses, 1988	S 100-15			400,000	-400,000
EMPLOYMENT STANDARDS ADMINISTRATION					
Salaries and expenses, 1988	S 100-15			1,300,000	-1,300,000
Black lung disability trust fund, 1988	S 100-15			267,000	-267,000
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
Salaries and expenses, 1988	S 100-15			903,000	-903,000
MINE SAFETY AND HEALTH ADMINISTRATION					
Salaries and expenses, 1988	S 100-15			1,075,000	-1,075,000
BUREAU OF LABOR STATISTICS					
Salaries and expenses, 1988	S 100-15			647,000	-647,000
DEPARTMENTAL MANAGEMENT					
Salaries and expenses, 1988	S 100-15			722,000	-722,000
Office of the Inspector General, 1988	S 100-15			257,000	-257,000
Total, Department of Labor				6,036,000	-6,036,000
VETERANS ADMINISTRATION					
ADMINISTRATION OF FOREIGN AFFAIRS					
Compensation and pensions, 1987	100-97		53,400,000		53,400,000
Compensation, 1988	S 100-150		125,700,000		125,700,000
Pensions, 1988	S 100-150		9,500,000		9,500,000
Burial benefits and miscellaneous assistance, 1988	S 100-150		9,000,000		9,000,000
Readjustment benefits, 1987	100-97		25,000,000		25,000,000
Readjustment benefits, 1988	S 100-150		25,000,000		25,000,000
Total, Veterans Administration			247,600,000		247,600,000
Grand total, estimates not considered		$3,600,000	375,800,000	124,533,000	254,867,000
Fiscal year 1987			(178,400,000)	(100,000,000)	(78,400,000)
Fiscal year 1988		(3,600,000)	(197,400,000)	(24,533,000)	(176,467,000)

[1] Not considered due to lack of authorization

VIII j. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 1ST SESSION OF THE 100TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
Department of Agriculture:			
Supplemental Appropriations Act, 1987 (P.L. 100-71):			
Dairy Indemnity, rural clean water program		$6,000,000	+ $6,000,000
Forest Service, timber roads, purchaser election, forest service		30,000,000	+ 30,000,000
Subtotal, 1987		36,000,000	+ 36,000,000
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202):			
Forest Service, timber roads, purchaser election, forest service		75,000,000	+ 75,000,000
Total, Department of Agriculture		111,000,000	+ 111,000,000
Department of Commerce:			
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202):			
Economic Development Administration, financial and technical assistance		1,541,067	+ 1,541,067
Department of Defense—Military:			
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202):			
Aircraft procurement, Army, 1986/1988		32,000,000	+ 32,000,000
Aircraft procurement, Army, 1987/1989		29,200,000	+ 29,200,000
Missile procurement, Army, 1986/1988		25,100,000	+ 25,100,000
Missile procurement, Army, 1987/1989		34,100,000	+ 34,100,000
Procurement of weapons and tracked combat vehicles, Army, 1986/1988		41,700,000	+ 41,700,000
Procurement of weapons and tracked combat vehicles, Army, 1987/1989		72,000,000	+ 72,000,000
Procurement of ammunition, Army, 1987/1989		7,200,000	+ 7,200,000
Other procurement, Army, 1986/1988		41,300,000	+ 41,300,000
Other procurement, Army, 1987/1989		65,593,000	+ 65,593,000
Aircraft procurement, Navy, 1986/1988		156,400,000	+ 156,400,000
Aircraft procurement, Navy, 1987/1989		261,900,000	+ 261,900,000
Weapons procurement, Navy, 1986/1988		161,200,000	+ 161,200,000
Weapons procurement, Navy, 1987/1989		227,800,000	+ 227,800,000
Shipbuilding and conversion, Navy, 1984/1988		134,100,000	+ 134,100,000
Shipbuilding and conversion, Navy, 1985/1989		94,600,000	+ 94,600,000
Shipbuilding and conversion, Navy, 1986/1990		20,000,000	+ 20,000,000
Shipbuilding and conversion, Navy, 1987/1991		155,600,000	+ 155,600,000
Other procurement, Navy, 1986/1988		32,361,000	+ 32,361,000
Other procurement, Navy, 1987/1989		225,614,000	+ 225,614,000
Procurement, Marine Corps, 1986/1988		47,600,000	+ 47,600,000
Procurement, Marine Corps, 1987/1989		15,000,000	+ 15,000,000
Aircraft procurement, Air Force, 1986/1988		278,521,000	+ 278,521,000
Aircraft procurement, Air Force, 1987/1989		659,600,000	+ 659,600,000
Missile procurement, Air Force, 1985/1989		40,100,000	+ 40,100,000
Missile procurement, Air Force, 1986/1988		122,446,000	+ 122,446,000
Missile procurement, Air Force, 1987/1989		11,500,000	+ 11,500,000
Other procurement, Air Force, 1986/1988		58,200,000	+ 58,200,000
Procurement, Defense Agencies, 1986/1988		31,000,000	+ 31,000,000

VIIIj. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 1ST SESSION OF THE 100TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS—Continued

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
Department of Defense—Military—Continued:			
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202)—Continued:			
Procurement, Defense Agencies, 1987/1989		$75,000,000	+$75,000,000
National Guard and Reserve Equipment,1986/1988		17,900,000	+17,900,000
Research, development, test and evaluation, Army, 1987/1988		14,000,000	+14,000,000
Research, development, test and evaluation, Navy, 1987/1988		67,495,000	+67,495,000
Research, development, test and evaluation, Air Force, 1987/1988		266,000,000	+266,000,000
Research, development, test and evaluation, Defense Agencies, 1987/1988		8,900,000	+8,900,000
Military construction, Army		34,800,000	+34,800,000
Military construction, Navy		26,200,000	+26,200,000
Military construction, Air Force		24,800,000	+24,800,000
Military construction, Defense Agencies		7,200,000	+7,200,000
North Atlantic Treaty Organization Infrastructure		8,000,000	+8,000,000
Military construction, Army National Guard		2,500,000	+2,500,000
Military construction, Air National Guard		3,500,000	+3,500,000
Military construction, Army Reserve		1,800,000	+1,800,000
Military construction, Naval Reserve		1,200,000	+1,200,000
Military construction, Air Force Reserve		2,000,000	+2,000,000
Family housing, Army		20,300,000	+20,300,000
Family housing, Navy and Marine Corps		9,200,000	+9,200,000
Family housing, Air Force		14,700,000	+14,700,000
Total, Department of Defense		3,687,230,000	+3,687,230,000
District of Columbia:			
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202):			
Federal funds, criminal jusitice initiatives		20,000,000	+20,000,000
District of Columbia Funds, fiscal year 1987 supplemental:			
Governmental direction and support	*($1,056,000)*	*(1,056,000)*	
Economic development and regulation	*(5,281,000)*	*(5,281,000)*	
Public education system	*(700,000)*	*(700,000)*	
Human Support Services	*(4,067,000)*	*(4,067,000)*	
Public works	*(6,400,000)*	*(6,400,000)*	
Repayment of loans and interest	*(3,488,000)*	*(3,488,000)*	
Subtotal, 1987	*(20,992,000)*	*(20,992,000)*	
Total, District of Columbia		20,000,000	+20,000,000
Foreign Assistance:			
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202):			
Military assistance, foreign military credit sales *(loan authority)*		[1]*(32,000,000)*	*(+32,000,000)*
General Government:			
Emergency Food and Shelter Program, 1987 (P.L. 100-6):			
Federal Emergency Management Agency, disaster relief		7,475,000	+7,475,000

See footnotes at end of table, p. 2543.

VIIIj. RESCISSIONS OF APPROPRIATIONS CONSIDERED DURING THE 1ST SESSION OF THE 100TH CONGRESS, ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS—Continued

[NOTE.—For informational purposes only to separately identify rescissions. The amounts rescinded *are* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amount proposed for rescission	Amount rescinded	Increase (+) or decrease (−), amounts rescinded compared with proposals
Department of Housing and Urban Development:			
Supplemental Appropriations Act, 1987 (P.L. 100-71):			
Payments for operation of low-income housing projects		$65,000,000	+$65,000,000
Rent supplement *(indefinite)*	$389,340,000	389,340,000	
Rental housing assistance *(indefinite)*	72,873,000	72,873,000	
Subtotal, 1987	462,213,000	527,213,000	+65,000,000
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202):			
Annual contributions for assisted housing deobligations *(contract authority, indefinite)*	347,800,000	204,700,000	−143,100,000
Rental housing assistance *(contract authority, indefinite)*	52,000,000	52,000,000	
Subtotal, 1988	399,800,000	256,700,000	−143,100,000
Total, Housing and Urban Development	862,013,000	783,913,000	−78,100,000
Department of the Interior:			
Supplemental Appropriations Act, 1987 (P.L. 100-71):			
National Park Service, land and water conservation fund *(contract authority)*		30,000,000	+30,000,000
Fourth Further Continuing Appropriations Act, 1988 (P.L. 100-202):			
National Park Service:			
Urban park and recreation fund		1,900,000	+1,900,000
Land and water conservation fund *(contract authority)*		30,000,000	+30,000,000
Subtotal, 1988		31,900,000	+31,900,000
Total, Department of the Interior		61,900,000	+61,900,000
Grand total, rescissions of budget authority, (100th Congress, 1st session)	[2] 862,013,000	[2] 4,673,059,067	+3,811,046,067
Fiscal year 1987	(462,213,000)	(600,688,000)	(+138,475,000)
Fiscal year 1988	(399,800,000)	(4,072,371,067)	(+3,672,571,067)

[1] Non-add item; reflects deobligation of prior year loan agreement authority.

[2] See pp. 559-566 and pp. 567-572 for status reports on rescissions and deferrals.

VIIIk. DEFERRALS OF BUDGET AUTHORITY AND OUTLAYS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION

[NOTE.—For informational purposes only. The amounts are *not* reflected in the *totals* of new budget (obligational) authority shown in various tabulations.]

Department or activity	Amounts proposed for deferral [1]	Amounts disapproved	Increase (+) or decrease (−), amounts disapproved compared with proposals
Department of Agriculture:			
Emergency Food and Shelter Program, 1987 (P.L. 100-6):			
Food and Nutrition Service, Temporary emergency food assistance program (D87-33)	$28,559,000	$28,559,000	
Supplemental Appropriations Act, 1987 (P.L. 100-71):			
Forest Service:			
State and private forestry (D87-35)	797,000	797,000	
Land acquisition (D87-36)	27,070,000	27,070,000	
Timber roads, purchaser election (D87-37)	11,900,000	11,900,000	
Total, Department of Agriculture	68,326,000	68,326,000	
Environmental Protection Agency:			
Supplemental Appropriations Act, 1987 (P.L. 100-71):			
Research and development (D87-54)	11,000,000	11,000,000	
Abatement, control, and compliance (D87-55)	11,400,000	11,400,000	
Total, Environmental Protection Agency	22,400,000	22,400,000	
Department of Transportation:			
Supplemental Appropriations Act, 1987 (P.L. 100-71):			
Federal Railroad Administration:			
Rail service assistance (D87-42)	462,000	462,000	
Northeast corridor improvement program (D87-45)	16,962,000	16,962,000	
Conrail commuter transition assistance (D87-46)	10,000,000	10,000,000	
Urban Mass Transportation Administration:			
Research, training, and human resources (D87-47)	4,336,000	4,336,000	
Interstate transfer grants—transit (D87-48)	51,800,000	51,800,000	
Total, Department of Transportation	83,560,000	83,560,000	
Grand total, deferrals of budget authority (100th Congress, 1st session)	174,286,000	174,286,000	

[1] Amount proposed for deferral reflects original request for fiscal year 1987 deferrals proposed during the 1st session of the 100th Congress on which the Congress took legislative action. Adjustments proposed in subsequent documents or congressionally initiated deferral actions are not reflected. See pp. 559–566 and pp. 567–572 for status reports on rescissions and deferrals.

VIIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Agriculture:			
Appropriations, fiscal year 1988:			
Regular annual act [1]	$50,851,588,000	$51,845,123,000	+$993,535,000
Carried in other regular annual act	1,450,675,000	1,761,320,000	+310,645,000
Rescissions		−75,000,000	−75,000,000
Carried in continuing appropriations		200,000	+200,000
Legislative acts: Federal funds [2]	358,000,000	[2] −1,199,000,000	−1,557,000,000
Subtotal *(net)*	52,660,263,000	52,332,643,000	−327,620,000
Permanent appropriations:			
Federal funds	[3] 4,352,120,000	[3] 4,352,120,000	
(Authority to borrow)	*(44,707,000)*	*(44,707,000)*	
Trust funds	382,940,000	382,940,000	
Total, permanent appropriations	4,735,060,000	4,735,060,000	
Total appropriations, fiscal year 1988 *(net)*	57,395,323,000	57,067,703,000	−327,620,000
Appropriations, fiscal year 1987:			
Supplemental act	6,656,615,000	5,692,447,000	−964,168,000
New budget *(obligational)* authority	(6,656,615,000)	(5,728,447,000)	(−928,168,000)
Rescissions		(−36,000,000)	(−36,000,000)
Appropriations to liquidate contract authorizations	*(9,915,000)*	*(9,915,000)*	
Grand total for session, Department of Agriculture *(net)*	64,051,938,000	62,760,150,000	−1,291,788,000
Department of Commerce:			
Appropriations, fiscal year 1988:			
Regular annual act [4]	2,093,254,000	2,410,489,000	+317,235,000
Rescissions		−1,541,067	−1,541,067
Subtotal *(net)*	2,093,254,000	2,408,947,933	+315,693,933
Permanent appropriations:			
Federal funds	57,400,000	57,400,000	
Trust funds	36,600,000	36,600,000	
Total, permanent appropriations	94,000,000	94,000,000	
Total appropriations, fiscal year 1988 *(net)*	2,187,254,000	2,502,947,933	+315,693,933
Appropriations, fiscal year 1987:			
Supplemental act	15,130,000	15,130,000	
Grand total for session, Department of Commerce *(net)*	2,202,384,000	2,518,077,933	+315,693,933

See footnotes at end of table, pp. 2558–2559.

VIIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Civil:			
Appropriations, fiscal year 1988:			
Regular annual act[5]	$3,252,149,000	$3,247,108,000	−$5,041,000
Carried in other regular annual act	47,051,000	59,488,000	+12,437,000
Estimates not considered (see Table VIIIi)	−191,000		+191,000
Subtotal	3,299,009,000	3,306,596,000	+7,587,000
Permanent appropriations:			
Federal funds	11,212,520,000	11,212,520,000	
Trust funds	33,893,305,000	33,893,305,000	
Total, permanent appropriations	45,105,825,000	45,105,825,000	
Total appropriations, fiscal year 1988	48,404,834,000	48,412,421,000	+7,587,000
Appropriations, fiscal year 1987:			
Supplemental act	74,000	40,000	−34,000
Grand total for session, Department of Defense—Civil	48,404,908,000	48,412,461,000	+7,553,000
Department of Defense—Military:			
Military personnel:			
Appropriations, fiscal year 1988:			
Regular annual act[6]	76,299,200,000	76,145,179,000	−154,021,000
Appropriations, fiscal year 1987:			
Supplemental act	441,900,000		−441,900,000
Total, military personnel	76,741,100,000	76,145,179,000	−595,921,000
Operation and maintenance:			
Appropriations, fiscal year 1988:			
Regular annual act[6]	86,064,694,000	80,337,490,000	−5,727,204,000
Appropriations, fiscal year 1987:			
Supplemental act	1,137,789,000	1,078,289,000	−59,500,000
Total, operation and maintenance	87,202,483,000	81,415,779,000	−5,786,704,000
Procurement:			
Appropriations, fiscal year 1988:			
Regular annual act *(net)*[6]	83,886,671,000	81,020,757,000	−2,865,914,000
New budget *(obligational)* authority	(83,886,671,000)	(84,195,392,000)	(+308,721,000)
Rescissions		(−3,174,635,000)	(−3,174,635,000)
Appropriations, fiscal year 1987:			
Supplemental act	553,700,000	122,000,000	−431,700,000
Total, procurement *(net)*	84,440,371,000	81,142,757,000	−3,297,614,000
Research, development, test, and evaluation:			
Appropriations, fiscal year 1988:			
Regular annual act *(net)*[6]	43,676,637,000	36,710,921,000	−6,965,716,000
New budget *(obligational)* authority	(43,676,637,000)	(37,067,316,000)	(−6,609,321,000)
Rescissions		(−356,395,000)	(−356,395,000)
Appropriations, fiscal year 1987:			
Supplemental act	729,996,000	117,996,000	−612,000,000
Total, research, development, test and evaluation *(net)*	44,406,633,000	36,828,917,000	−7,577,716,000

See footnotes at end of table, pp. 2558–2559.

VIIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Defense—Military—Continued:			
Revolving and management funds:			
Appropriations, fiscal year 1988:			
Regular annual act[6]	$1,201,214,000	$881,214,000	−$320,000,000
Chemical agents and munitions destruction, Defense			
Appropriations, fiscal year 1988:			
Regular annual act[6]	87,400,000	198,500,000	+111,100,000
Appropriations, fiscal year 1987:			
Supplemental act	250,000,000		−250,000,000
Total, Chemical agents and munitions destruction, Defense	337,400,000	198,500,000	−138,900,000
Military construction:			
Appropriations, fiscal year 1988:			
Carried in separate regular annual act *(net)*[7]	9,851,957,000	8,279,000,000	−1,572,957,000
New budget *(obligational)* authority	(9,851,957,000)	(8,435,200,000)	(−1,416,757,000)
Rescissions		(−156,200,000)	(−156,200,000)
Appropriated during 99th Cong., 2d sess. for fiscal year 1988		[8]*(221,000,000)*	*(+221,000,000)*
Appropriations, fiscal year 1987:			
Supplemental act	256,503,000	6,360,000	−250,143,000
Total, military construction *(net)*	10,108,460,000	8,285,360,000	−1,823,100,000
Total, regular annual and supplemental appropriation acts *(net)*	304,437,661,000	284,897,706,000	−19,539,955,000
Permanent appropriations:			
Federal funds	224,000,000	224,000,000	
(Authority to borrow)	*(3,000,000)*	*(3,000,000)*	
Trust funds	24,100,000	24,100,000	
Total, permanent appropriations	248,100,000	248,100,000	
Grand total for session, Department of Defense—Military *(net)*	304,685,761,000	285,145,806,000	−19,539,955,000
Consisting of—			
Appropriations, fiscal year 1988:			
Regular annual act	291,215,816,000	278,825,091,000	−12,390,725,000
Carried in separate and other regular annual acts	9,851,957,000	8,435,200,000	−1,416,757,000
Rescissions		−3,687,230,000	−3,687,230,000
Subtotal *(net)*	301,067,773,000	283,573,061,000	−17,494,712,000
Permanent appropriations:			
Federal funds	224,000,000	224,000,000	
Trust funds	24,100,000	24,100,000	
Subtotal	248,100,000	248,100,000	
Total appropriations, fiscal year 1988 *(net)*	301,315,873,000	283,821,161,000	−17,494,712,000
Appropriations, fiscal year 1987:			
Supplemental act	3,369,888,000	1,324,645,000	−2,045,243,000
Grand total for session, Department of Defense—Military *(net)*	301,315,873,000	283,821,161,000	−17,494,712,000

See footnotes at end of table, pp. 2558–2559.

VIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
District of Columbia—Federal Funds:			
Appropriations, fiscal year 1988:			
Regular annual act [9]	$507,070,000	$550,000,000	+$42,930,000
Rescissions		−20,000,000	−20,000,000
Appropriated during 99th Cong., 2d sess. for fiscal year 1988		[8] *(20,000,000)*	*(+20,000,000)*
Subtotal *(net)*	507,070,000	530,000,000	+22,930,000
Permanent appropriations: Federal funds	20,000,000	20,000,000	
Total appropriations, fiscal year 1988 *(net)*	527,070,000	550,000,000	+22,930,000
Appropriations, fiscal year 1989:			
Regular annual act		20,000,000	+20,000,000
Grand total for session, District of Columbia—Federal Funds *(net)*	527,070,000	570,000,000	+42,930,000
(District of Columbia—Payable from District revenues:)			
(Appropriations, fiscal year 1988:)			
(Regular annual act) [9]	*(3,070,220,000)*	*(3,077,347,000)*	*(+7,127,000)*
(Appropriations, fiscal year 1987:)			
(Regular annual act (net)) [9]	*(71,421,000)*	*(76,667,000)*	*(+5,246,000)*
(New budget (obligational) authority)	*(92,413,000)*	*(97,659,000)*	*(+5,246,000)*
(Rescissions)	*(−20,992,000)*	*(−20,992,000)*	
(Grand total for session, District of Columbia—Payable from District revenues (net))	*(3,141,641,000)*	*(3,154,014,000)*	*(+12,373,000)*
Department of Education:			
Appropriations, fiscal year 1988:			
Regular annual act [10]	13,985,555,000	20,178,460,000	+6,192,905,000
Carried in other regular annual acts	64,217,000	66,326,000	+2,109,000
Estimates not considered (see Table VIII)	−1,691,000		+1,691,000
Subtotal	14,048,081,000	20,244,786,000	+6,196,705,000
Permanent appropriations:			
Federal funds	7,148,000	7,148,000	
Trust funds	10,000	10,000	
Total, permanent appropriations	7,158,000	7,158,000	
Total appropriations, fiscal year 1988	14,055,239,000	20,251,944,000	+6,196,705,000
Appropriations, fiscal year 1987:			
Supplemental act		14,800,000	+14,800,000
Grand total for session, Department of Education	14,055,239,000	20,266,744,000	+6,211,505,000
Department of Energy:			
Appropriations, fiscal year 1988:			
Regular annual act [5]	12,946,898,000	11,002,494,000	−1,944,404,000
Carried in other regular annual act	1,841,531,000	1,538,196,000	−303,335,000
Subtotal	14,788,429,000	12,540,690,000	−2,247,739,000

See footnotes at end of table, pp. 2558–2559.

VIIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Energy—Continued:			
Appropriations, fiscal year 1988—Continued:			
Permanent appropriations:			
Federal funds	$213,530,000	$213,530,000	
(Authority to borrow)	*(205,800,000)*	*(205,800,000)*	
Trust funds	138,200,000	138,200,000	
Total, permanent appropriations	351,730,000	351,730,000	
Total appropriations, fiscal year 1988	15,140,159,000	12,892,420,000	−$2,247,739,000
Appropriations, fiscal year 1989:			
Carried in other regular annual act	500,000,000	525,000,000	+25,000,000
Appropriations, fiscal year 1990:			
Carried in other regular annual act	500,000,000		−500,000,000
Appropriations, fiscal year 1991:			
Carried in other regular annual act	500,000,000		−500,000,000
Appropriations, fiscal year 1992:			
Carried in other regular annual act	500,000,000		−500,000,000
Grand total for session, Department of Energy	17,140,159,000	13,417,420,000	−3,722,739,000
Environmental Protection Agency:			
Appropriations, fiscal year 1988:			
Regular annual act [11]	4,680,062,000	5,027,442,000	+347,380,000
Permanent appropriations: Trust funds	10,000	10,000	
Total appropriations, fiscal year 1988	4,680,072,000	5,027,452,000	+347,380,000
Appropriations, fiscal year 1987:			
Supplemental act		9,000,000	+9,000,000
Grand total for session, Environmental Protection Agency	4,680,072,000	5,036,452,000	+356,380,000
Foreign Assistance:			
Appropriations, fiscal year 1988:			
Regular annual act [12]	15,476,572,412	13,143,706,741	−2,332,865,671
Estimates not considered (see Table VIIIi)	23,000,000		−23,000,000
Subtotal	15,499,572,412	13,143,706,741	−2,355,865,671
Permanent appropriations:			
Federal funds	22,000,000	22,000,000	
(Authority to borrow)	*(22,000,000)*	*(22,000,000)*	
Trust funds	9,142,365,000	9,142,365,000	
(Contract authority)	*(9,137,000,000)*	*(9,137,000,000)*	
Total, permanent appropriations	9,164,365,000	9,164,365,000	
Total appropriations, fiscal year 1988	24,663,937,412	22,308,071,741	−2,355,865,671
Appropriations, fiscal year 1987:			
Supplemental act	1,159,704,486	387,871,486	−771,833,000
Grand total for session, Foreign Assistance	25,823,641,898	22,695,943,227	−3,127,698,671
General Government:			
Appropriations, fiscal year 1988:			
Regular annual act [13]	306,793,000	313,323,000	+6,530,000
Carried in other regular annual acts	6,950,383,569	6,553,130,000	−397,253,569

See footnotes at end of table, pp. 2558–2559.

VIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
General Government—Continued:			
Appropriations, fiscal year 1988—Continued:			
Appropriated during 99th Cong., 1st and 2d sess. fiscal year 1988		[8] *($227,200,000)*	*(+$227,200,000)*
Estimates not considered (see Table VIIIi)	−$1,562,000		+1,562,000
Legislative acts: Federal funds [2]		[2] −1,000,000	−1,000,000
Subtotal	7,255,614,569	6,865,453,000	−390,161,569
Permanent appropriations:			
Federal funds	467,947,000	467,947,000	
(Authority to borrow)	*(227,247,000)*	*(227,247,000)*	
Trust funds	3,699,430,000	3,699,430,000	
Total, permanent appropriations	4,167,377,000	4,167,377,000	
Total appropriations, fiscal year 1988	11,422,991,569	11,032,830,000	−390,161,569
Appropriations, fiscal year 1987:			
Supplemental act *(net)*	−20,596,824	−75,006,824	−54,410,000
New budget *(obligational)* authority	(−20,596,824)	(−67,531,824)	(−46,935,000)
Rescissions		(−7,475,000)	(−7,475,000)
Appropriations, fiscal year 1990:			
Carried in other regular annual act	132,000,000	232,648,000	+100,648,000
Grand total for session, General Government *(net)*	11,534,394,745	11,190,471,176	−343,923,569
General Services Administration:			
Appropriations, fiscal year 1988:			
Regular annual act [13]	416,824,000	275,825,000	−140,999,000
Carried in other regular annual act	1,339,000	1,279,000	−60,000
Subtotal	418,163,000	277,104,000	−141,059,000
Permanent appropriations: Federal funds	16,708,000	16,708,000	
Total appropriations, fiscal year 1988	434,871,000	293,812,000	−141,059,000
Appropriations, fiscal year 1987:			
Supplemental act		3,835,000	+3,835,000
Grand total for session, General Services Administration	434,871,000	297,647,000	−137,224,000
Department of Health and Human Services:			
Appropriations, fiscal year 1988:			
Regular annual act [10]	81,389,889,000	87,062,115,000	+5,672,226,000
Carried in other regular annual acts	1,252,239,000	1,485,044,000	+232,805,000
Estimates not considered (see Table VIIIi)	−9,853,000		+9,853,000
Legislative acts: Trust funds [2]	2,326,000,000	[2] 582,000,000	−1,744,000,000
Appropriated during 99th Cong., 2d sess. for fiscal year 1988		[8] *(12,598,065,000)*	*(+12,598,065,000)*
Subtotal	84,958,275,000	89,129,159,000	+4,170,884,000
Permanent appropriations:			
Federal funds	19,408,100,000	19,408,100,000	
Trust funds	361,190,475,000	361,190,475,000	
Total, permanent appropriations	380,598,575,000	380,598,575,000	
Total appropriations, fiscal year 1988	465,556,850,000	469,727,734,000	+4,170,884,000

See footnotes at end of table, pp. 2558-2559.

VIIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of Health and Human Services—Continued:			
Appropriations, fiscal year 1987:			
Supplemental act	$45,200,000	$410,413,000	+$365,213,000
Appropriations, fiscal year 1989:			
Regular annual act [10]	84,466,323,000	13,750,000,000	−70,716,323,000
Appropriations, fiscal year 1990:			
Carried in other regular annual act	14,077,992,000		−14,077,992,000
Grand total for session, Department of Health and Human Services	564,146,365,000	483,888,147,000	−80,258,218,000
Department of Housing and Urban Development:			
Appropriations, fiscal year 1988:			
Regular annual act [11]	8,284,072,313	13,460,112,000	+5,176,039,687
Rescission of contract authority	*(−399,800,000)*	−256,700,000	[14] −256,700,000
Estimates not considered (see Table VIIIi)	3,600,000		−3,600,000
Subtotal *(net)*	8,287,672,313	13,203,412,000	+4,915,739,687
Permanent appropriations:			
Federal funds	1,940,060,000	1,940,060,000	
(Authority to borrow)	*(1,932,900,000)*	*(1,932,900,000)*	
Trust funds	5,000	5,000	
Total, permanent appropriations	1,940,065,000	1,940,065,000	
Total appropriations, fiscal year 1988 *(net)*	10,227,737,313	15,143,477,000	+4,915,739,687
Appropriations, fiscal year 1987:			
Supplemental act *(net)*	−90,731,000	−282,213,000	−191,482,000
New budget *(obligational)* authority	(−90,731,000)	(245,000,000)	(+335,731,000)
Rescissions	*(−462,213,000)*	(−527,213,000)	[14] (−527,213,000)
Grand total for session, Department of Housing and Urban Development *(net)*	10,137,006,313	14,861,264,000	+4,724,257,687
Department of the Interior:			
Appropriations, fiscal year 1988:			
Regular annual act [15]	3,860,196,000	4,393,230,000	+533,034,000
Rescissions		−31,900,000	−31,900,000
Carried in other regular annual acts	946,597,000	956,305,000	+9,708,000
Legislative acts: Federal funds [2]		[2] 8,000,000	+8,000,000
Appropriations to liquidate contract authorizations		*(31,000,000)*	*(+31,000,000)*
Subtotal *(net)*	4,806,793,000	5,325,635,000	+518,842,000
Permanent appropriations:			
Federal funds	949,821,000	949,821,000	
(Authority to borrow)	*(1,300,000)*	*(1,300,000)*	
(Contract authority)	*(30,000,000)*	*(30,000,000)*	
Trust funds	637,990,000	637,990,000	
Total, permanent appropriations	1,587,811,000	1,587,811,000	
Total appropriations, fiscal year 1988 *(net)*	6,394,604,000	6,913,446,000	+518,842,000

See footnotes at end of table, pp. 2558-2559.

VIIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Interior—Continued:			
Appropriations, fiscal year 1987:			
Supplemental act *(net)*	$23,028,000	$111,305,000	+$88,277,000
New budget *(obligational)* authority	(23,028,000)	(141,305,000)	(+118,277,000)
Rescissions		(−30,000,000)	(−30,000,000)
Grand total for session, Department of the Interior *(net)*	6,417,632,000	7,024,751,000	+607,119,000
The Judiciary:			
Appropriations, fiscal year 1988:			
Regular annual act [4]	1,455,078,000	1,324,805,000	−130,273,000
Permanent appropriations: Trust funds	15,096,000	15,096,000	
Total appropriations, fiscal year 1988	1,470,174,000	1,339,901,000	−130,273,000
Appropriations, fiscal year 1987:			
Supplemental act	95,682,000	67,116,000	−28,566,000
Grand total for session, The Judiciary	1,565,856,000	1,407,017,000	−158,839,000
Department of Justice:			
Appropriations, fiscal year 1988:			
Regular annual act [4]	5,321,180,000	5,025,504,000	−295,676,000
Permanent appropriations: Federal funds	324,692,000	324,692,000	
Total appropriations, fiscal year 1988	5,645,872,000	5,350,196,000	−295,676,000
Appropriations, fiscal year 1987:			
Supplemental act	297,971,000	277,631,000	−20,340,000
Grand total for session, Department of Justice	5,943,843,000	5,627,827,000	−316,016,000
Department of Labor:			
Appropriations, fiscal year 1988:			
Regular annual act [10]	5,801,022,000	6,272,006,000	+470,984,000
Estimates not considered (see Table VIIIi)	−6,036,000		+6,036,000
Legislative acts: Trust funds [2]	129,000,000	[2] 715,000,000	+586,000,000
Subtotal	5,923,986,000	6,987,006,000	+1,063,020,000
Permanent appropriations: Trust funds	24,294,010,000	24,294,010,000	
Total appropriations, fiscal year 1988	30,217,996,000	31,281,016,000	+1,063,020,000
Appropriations, fiscal year 1987:			
Supplemental act	1,202,000	31,202,000	+30,000,000
Grand total for session, Department of Labor	30,219,198,000	31,312,218,000	+1,093,020,000
Legislative Branch:			
Appropriations, fiscal year 1988:			
Regular annual act [16]	1,979,888,800	1,745,501,500	−234,387,300
Permanent appropriations:			
Federal funds	181,172,000	181,172,000	
Trust funds	8,201,000	8,201,000	
Total permanent appropriations	189,373,000	189,373,000	
Total appropriations, fiscal year 1988	2,169,261,800	1,934,874,500	−234,387,300
Appropriations, fiscal year 1987:			
Supplemental act	109,956,200	85,011,700	−24,944,500
Grand total for session, Legislative Branch	2,279,218,000	2,019,886,200	−259,331,800

See footnotes at end of table, pp. 2558-2559.

VIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
National Aeronautics and Space Administration:			
Appropriations, fiscal year 1988:			
Regular annual act [11]	$9,500,195,000	$8,856,461,000	−$643,734,000
Appropriations, fiscal year 1987:			
Supplemental act		303,000,000	+303,000,000
Grand total for session, National Aeronautics and Space Administration	9,500,195,000	9,159,461,000	−340,734,000
Office of Personnel Management:			
Appropriations, fiscal year 1988:			
Regular annual act [13]	6,611,678,000	6,611,678,000	
Legislative acts: Trust funds [2]	89,000,000	[2] 370,000,000	+281,000,000
Subtotal	6,700,678,000	6,981,678,000	+281,000,000
Permanent appropriations:			
Federal funds	11,233,021,000	11,233,021,000	
Trust funds	45,524,240,000	45,524,240,000	
Total, permanent appropriations	56,757,261,000	56,757,261,000	
Total appropriations, fiscal year 1988	63,457,939,000	63,738,939,000	+281,000,000
Appropriations, fiscal year 1987:			
Supplemental act		1,129,000	+1,129,000
Grand total for session, Office of Personnel Management	63,457,939,000	63,740,068,000	+282,129,000
Postal Service:			
Appropriations, fiscal year 1988:			
Regular annual act [13]	71,795,000	517,001,000	+445,206,000
Legislative acts: Federal funds [2]	376,000,000	[2] −820,000,000	−1,196,000,000
Subtotal	447,795,000	−302,999,000	−750,794,000
Permanent appropriations:			
Federal funds	2,900,355,000	2,900,355,000	
(Authority to borrow)	*(2,900,355,000)*	*(2,900,355,000)*	
Total appropriations, fiscal year 1988	3,348,150,000	2,597,356,000	−750,794,000
Appropriations, fiscal year 1987:			
Supplemental act	79,177,000		−79,177,000
Grand total for session, Postal Service	3,427,327,000	2,597,356,000	−829,971,000
Railroad Retirement Board:			
Appropriations, fiscal year 1988:			
Regular annual act [10]	279,100,000	355,423,000	+76,323,000
Legislative acts: Trust funds [2]	230,000,000	[2] 144,000,000	−86,000,000
Subtotal	509,100,000	499,423,000	−9,677,000
Permanent appropriations:			
Federal funds	2,463,000,000	2,463,000,000	
Trust funds	9,446,000,000	9,446,000,000	
Total, permanent appropriations	11,909,000,000	11,909,000,000	
Total appropriations, fiscal year 1988	12,418,100,000	12,408,423,000	−9,677,000

See footnotes at end of table, pp. 2558–2559.

VIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Railroad Retirement Board—Continued			
Appropriations, fiscal year 1989:			
Regular annual act	$3,100,000		−$3,100,000
Grand total for session, Railroad Retirement Board	12,421,200,000	$12,408,423,000	−12,777,000
Small Business Administration:			
Appropriations, fiscal year 1988:			
Regular annual act [4]	379,257,000	414,985,000	+35,728,000
Legislative acts: Federal funds [2]	16,000,000	[2] 43,000,000	−59,000,000
Grand total for session, Small Business Administration	395,257,000	371,985,000	−23,272,000
Department of State:			
Appropriations, fiscal year 1988:			
Regular annual act [4]	3,388,807,000	2,688,465,000	−700,342,000
Carried in other regular annual act	423,040,000	455,040,000	+32,000,000
Subtotal	3,811,847,000	3,143,505,000	−668,342,000
Permanent appropriations:			
Federal funds	150,345,000	150,345,000	
Trust funds	743,733,000	743,733,000	
Total, permanent appropriations	894,078,000	894,078,000	
Total appropriations, fiscal year 1988	4,705,925,000	4,037,583,000	−668,342,000
Appropriations, fiscal year 1987:			
Supplemental act	119,584,000	95,606,831	−23,977,169
Grand total for session, Department of State	4,825,509,000	4,133,189,831	−692,319,169
Department of Transportation:			
Appropriations, fiscal year 1988:			
Regular annual act [17]	7,868,211,000	10,053,107,000	+2,184,896,000
Carried in other regular annual act	67,739,000	76,463,000	+8,724,000
Legislative acts: Trust funds [2]	11,798,000,000	[2] 12,671,000,000	+873,000,000
Appropriations to liquidate contract authorizations	*(15,903,200,000)*	*(16,030,700,000)*	*(+127,500,000)*
Subtotal	19,733,950,000	22,800,570,000	+3,066,620,000
Permanent appropriations:			
Federal funds	60,837,000	60,837,000	
(Authority to borrow)	*(55,537,000)*	*(55,537,000)*	
Trust funds	13,448,836,000	13,448,836,000	
(Contract authority)	*(13,447,000,000)*	*(13,447,000,000)*	
Total, permanent appropriations	13,509,673,000	13,509,673,000	
Total appropriations, fiscal year 1988	33,243,623,000	36,310,243,000	+3,066,620,000
Appropriations, fiscal year 1987:			
Supplemental act	86,717,000	131,643,783	+44,926,783
Appropriations to liquidate contract authorizations	*(77,000,000)*	*(195,000,000)*	*(+118,000,000)*
Grand total for session, Department of Transportation	33,330,340,000	36,441,886,783	+3,111,546,783

See footnotes at end of table, pp. 2558–2559.

VIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Department of the Treasury:			
Appropriations, fiscal year 1988:			
Regular annual act [13]	$7,165,284,000	$7,397,872,000	+$232,588,000
Carried in other regular annual act	10,800,000	9,880,000	−920,000
Legislative acts: Federal funds [2]		[2] 1,000,000	+1,000,000
Subtotal	7,176,084,000	7,408,752,000	+232,668,000
Permanent appropriations:			
Federal funds	196,902,622,000	196,902,622,000	
Trust funds	8,132,000	8,132,000	
Total, permanent appropriations	196,910,754,000	196,910,754,000	
Total appropriations, fiscal year 1988	204,086,838,000	204,319,506,000	+232,668,000
Appropriations, fiscal year 1987:			
Supplemental act	217,966,000	239,889,000	+21,923,000
Grand total for session, Department of the Treasury	204,304,804,000	204,559,395,000	+254,591,000
Veterans Administration:			
Appropriations, fiscal year 1988:			
Regular annual act [11]	26,898,799,000	27,024,784,000	+125,985,000
Estimates not considered (see Table VIII-b)	169,200,000		−169,200,000
Legislative acts: Federal funds [2]		[2] −53,000,000	−53,000,000
Permanent appropriations: Trust funds	1,607,480,000	1,607,480,000	
Total appropriations, fiscal year 1988	28,675,479,000	28,579,264,000	−96,215,000
Appropriations, fiscal year 1987:			
Supplemental act	399,701,000	525,149,000	+125,448,000
Estimates not considered (see Table VIII-b)	78,400,000		−78,400,000
Total appropriations, fiscal year 1987	478,101,000	525,149,000	+47,048,000
Grand total for session, Veterans Administration	29,153,580,000	29,104,413,000	−49,167,000
Grand total:			
Consisting of—			
Appropriations:			
Fiscal year 1988 *(net)*	1,361,741,625,094	1,357,071,167,174	−4,670,457,920
New budget *(obligational)* authority	(1,361,565,158,094)	(1,361,143,538,241)	(−421,619,853)
Rescissions	*(−399,800,000)*	(−4,072,371,067)	[14](−4,072,371,067)
Estimates not considered	(176,467,000)		(−176,467,000)
Fiscal year 1987 *(net)*	12,644,667,862	9,369,644,976	−3,275,022,886
New budget *(obligational)* authority	(12,566,267,862)	(9,970,332,976)	(−2,595,934,886)
Rescissions	*(−462,213,000)*	(−600,688,000)	[14](−600,688,000)
Estimates not considered	(78,400,000)		(−78,400,000)
Fiscal year 1989	84,969,423,000	14,295,000,000	−70,674,423,000
Fiscal year 1990	14,709,992,000	232,648,000	−14,477,344,000
Fiscal year 1991	500,000,000		−500,000,000
Fiscal year 1992	500,000,000		−500,000,000
Appropriations to liquidate contract authorizations	*(15,990,115,000)*	*(16,266,615,000)*	*(+276,500,000)*
Net total	1,475,065,707,956	1,380,968,460,150	−94,097,247,806

See footnotes at end of table, pp. 2558–2559.

VIIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

[Note.—Concept of "estimates" and "appropriations" as used in this tabulation, beginning with the 90th Congress, 2d session, differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts *not* included in this tabulation *prior* to the 90th Congress, 2d session (see explanation, par. 7, "Compilers' Notes," p. III). Basically, the figures for permanent appropriations are taken from the January 1987 Budget and, since many are *indefinite*, are subject to revision as better data become available.]

Department or establishment	Budget estimates	New budget (obligational) authority appropriated, 100th Cong., 1st sess.	Increase (+) or decrease (−), appropriations compared with estimates
Less adjustments for interfund and intragovernmental transactions (see par. 6 "Compilers' Notes", p. IV)	−$209,337,833,000	−$209,337,833,000	
Subtotal	1,265,727,874,956	1,171,630,627,150	−$94,097,247,806
Less estimates and appropriations made during prior Congressional sessions for fiscal year 1988		[8] *(−13,066,265,000)*	*(−13,066,265,000)*
Net total for session	1,265,727,874,956	1,171,630,627,150	−94,097,247,806
Consisting of:			
Regular annual, supplemental and continuing appropriation acts	702,140,284,956	615,917,963,217	−86,222,321,739
Rescissions	*(−862,013,000)*	−4,673,059,067	[14] −4,673,059,067
Estimates not considered	[7] −254,867,000	—	−254,867,000
Appropriations in legislative acts [2]	15,322,000,000	[2] 12,375,000,000	−2,947,000,000
Private appropriation acts [18]		[18]	
Permanent appropriations: Federal and trust funds	757,348,556,000	757,348,556,000	
Adjustments for interfund and intragovernmental transactions (see par. 6 "Compilers' Notes", p. IV)	−209,337,833,000	−209,337,833,000	

[1] The regular appropriations bill for Rural Development, Agriculture, and Related Agencies for fiscal year 1988 (H.R. 3520) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(k) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 113, this volume; and pp. **434-468**, this volume, for relevant section of continuing resolution).

[2] Section 401 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires that all borrowing and contracting authority (so called "backdoor authority") enacted after March 3, 1975 be subject to subsequent appropriation action with certain exceptions which are listed under Sec. 401(d) of the Act (see p. 1956 in the 1974-1975 volume for text of Sec. 401(a)). This amount represents budget authority which falls within those exceptions.

[3] Excludes $15,937,848,000 for the Commodity Credit Corporation shown in President's budget as "permanent Federal funds" but reflected in this document as part of a "direct appropriation" of **$21,133,658,000 (see pp. 447 and 2490, this volume)**.

[4] The regular appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 1988 (H.R. 2763) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(a) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 91, this volume; and pp. 132-172, this volume, for relevant section of continuing resolution).

[5] The regular appropriations bill for Energy and Water Development for fiscal year 1988 (H.R. 2700) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(d) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 97, this volume; and pp. 228-253, this volume, for relevant section of continuing resolution).

[6] The regular appropriations bill for the Department of Defense for fiscal year 1988 (H.R. 3576) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(b) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 93, this volume; and pp. 172-214, this volume, for relevant section of continuing resolution).

[7] The regular appropriations bill for Military Construction for fiscal year 1988 (H.R. 2906) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(j) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 111 this volume; and pp. **423-434**, this volume, for relevant section of continuing resolution).

[8] Included under "Permanent appropriations, Federal funds".

[9] The regular appropriations bill for the District of Columbia for fiscal year 1988 (H.R. 2713) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(c) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 95, **this volume; and pp. 214-228, this volume, for relevant section of** continuing resolution).

[10] The regular appropriations bill for the Departments of Labor, Health and Human Services, and Education for fiscal year 1988 (H.R. 3058) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(h) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 105, this volume; and pp. 371-404, this volume, for relevant section of continuing resolution).

[11] The regular appropriations bill for the Department of Housing and Urban Development-Independent Agencies for fiscal year 1988 (H.R. 2783) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(f) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 101, this volume; and pp. 305-330, this volume, for relevant section of continuing resolution).

[12] The regular appropriations bill for Foreign Operations, Export Financing, and Related Programs for fiscal year 1988 (H.R. 3186) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(e) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 99, this volume; and pp. 253-305, this volume, for relevant section of continuing resolution).

[13] The regular appropriations bill for Treasury, Postal Service, and General Government for fiscal year 1988 (H.R. 2907) was not approved by the Congress. Funding for programs and activities nor-

VIII. COMPARISON OF BUDGET ESTIMATES, APPROPRIATIONS, AND RESCISSIONS BY FISCAL YEARS ARRANGED BY DEPARTMENTS AND ESTABLISHMENTS, 100TH CONGRESS, 1ST SESSION—Continued

mally included in this regular annual appropriations bill is provided under Sec. 101(m) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 **(see "Note" on p. 117, this volume; and pp. 499-537, this** volume, for relevant section of continuing resolution)

[14] Reflects actual rescission rather than comparison with request.

[15] The regular appropriations bill for the Department of the Interior and Related Agencies for fiscal year 1988 (H.R. 2712) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(g) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 103, this volume; and pp. 331-371, this volume, for relevant section of continuing resolution)

[16] The regular appropriations bill for the Legislative Branch for fiscal year 1988 (H.R. 2714) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(i) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 109, this volume; and pp. 404-423, this volume, for relevant section of continuing resolution)

[17] The regular appropriations bill for the Department of Transportation and Related Agencies for fiscal year 1988 (H.R. 2890) was not approved by the Congress. Funding for programs and activities normally included in this regular annual appropriations bill is provided under Sec. 101(l) of Public Law 100-202, approved December 22, 1987, Making Further Continuing Appropriations for fiscal year 1988 (see "Note" on p. 115, this volume; and pp. 468-499, this volume, for relevant section of continuing resolution)

[18] There were **twelve private relief acts approved during** the 100th Cong., 1st sess.; however, there was no new budget (obligational) authority provided in any of those acts.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS

[NOTE.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates with estimates
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	$68,941,364,648	$67,545,660,880	−$1,395,703,768
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,153,239,093	33,571,494,011	−1,581,745,082
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	36,725,853,652	34,159,097,708	−2,566,755,944
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,053,346,713	38,282,717,957	−2,770,628,756
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	45,524,384,067	43,708,265,798	−1,816,118,269
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	80,172,585,565	78,200,190,841	−1,972,394,724
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	102,449,917,037	97,729,806,397	−4,720,110,640
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	91,205,894,252	82,596,777,411	−8,609,116,841
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	73,976,821,699	61,942,992,897	−12,033,828,802
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	57,422,327,386	54,812,457,263	−2,609,870,123
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	62,030,092,195	59,954,284,321	−2,075,807,874
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	68,587,724,820	68,330,229,608	−257,495,212
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,113,555,340	68,070,096,556	−5,043,458,784
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,737,060,999	81,119,818,276	−617,242,723
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	83,452,687,259	81,572,357,732	−1,880,329,527
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	84,010,398,836	83,799,241,957	−211,156,879
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	101,185,574,673	96,194,946,610	−4,990,628,063
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	107,203,876,735	102,661,536,812	−4,542,339,923
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	110,270,774,856	103,798,634,671	−6,472,140,185
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	[1] 110,204,088,176	[2] 106,070,110,056	−4,133,978,120
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	[3] 121,719,754,896	[4] 119,310,113,527	−2,409,641,369
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	[5] 144,812,809,086	[6] 143,883,626,282	−929,182,804
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	[7] 162,988,905,929	[8] 156,917,115,912	[9] −6,071,790,017

See footnotes on pp. 2566-2568.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates with estimates
90th Cong., 2d sess., fiscal year 1969 and prior years	[10] $209,439,260,996	[11] $196,537,244,324	−$12,902,016,672
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,908,612,996)*	*(133,339,868,734)*	*(−14,568,744,262)*
Appropriations in legislative acts	*(1,332,500,000)*	*(2,999,227,590)*	*(+1,666,727,590)*
Permanent appropriations, Federal and trust funds	*(72,998,148,000)*	*(72,998,148,000)*	
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*	*(−12,800,000,000)*	
91st Cong., 1st sess., fiscal year 1970 and prior years	[12] 210,843,237,215	[13] 207,248,481,494	−3,594,755,721
Consisting of:			
Regular annual and supplemental appropriation acts	*(142,701,346,215)*	*(134,431,463,135)*	*(−8,269,883,080)*
Appropriations in legislative acts	*(5,000,000)*	*(4,680,127,359)*	*(+4,675,127,359)*
Permanent appropriations, Federal and trust funds	*(82,052,416,000)*	*(82,052,416,000)*	
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*	*(−13,915,525,000)*	
91st Cong., 2d sess., fiscal year 1971 and prior years	[14] 217,605,978,434	[15] 232,139,894,882	+14,533,916,448
Consisting of:			
Regular annual and supplemental appropriation acts	*(147,778,903,434)*	*(144,273,528,504)*	*(−3,505,374,930)*
Appropriations in legislative acts		*(18,039,291,378)*	*(+18,039,291,378)*
Permanent appropriations, Federal and trust funds	*(88,059,842,000)*	*(88,059,842,000)*	
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*	*(−18,232,767,000)*	
92d Cong., 1st sess., fiscal year 1972 and prior years	[16] 248,329,646,937	[17] 245,707,600,635	−2,622,046,302
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(167,969,353,937)*	*(165,300,661,865)*	*(−2,668,692,072)*
Appropriations in legislative acts		*(46,645,770)*	*(+46,645,770)*
Permanent appropriations, Federal and trust funds	*(100,764,691,000)*	*(100,764,691,000)*	
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*	*(−20,404,398,000)*	
92d Cong., 2d sess., fiscal year 1973 and prior years	[18] 281,543,640,953	[19] [20] 284,782,538,934	+3,238,897,981
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(185,509,077,552)*	*(179,006,901,364)*	*(−6,502,176,188)*
Appropriations in legislative acts	*(1,954,000,000)*	*(11,200,404,169)*	*(+9,246,404,169)*
Permanent appropriations, Federal and trust funds	*(117,995,208,401)*	*(118,489,878,401)*	*(+494,670,000)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*	*(−23,914,645,000)*	

See footnotes on pp. 2566-2568.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates with estimates
93d Cong., 1st sess., fiscal year 1974 and prior years	[21] $295,154,959,255	[22] $303,476,236,654	+$8,321,277,399
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(178,014,404,255)*	*(174,902,319,304)*	*(−3,112,084,951)*
Appropriations in legislative acts	*(4,969,950,000)*	*(16,403,312,350)*	*(+11,433,362,350)*
Permanent appropriations, Federal and trust funds	*(149,428,595,000)*	*(149,428,595,000)*	.....
Adjustments for interfund and intragovernmental transactions	*(−37,257,990,000)*	*(−37,257,990,000)*	.....
93d Cong., 2d sess., fiscal year 1975 and prior years	[23] 344,779,700,007	[24] 390,041,133,427	[25] +45,261,433,420
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(213,694,183,007)*	*(204,012,311,514)*	*(−9,681,871,493)*
Appropriations in legislative acts	*(7,778,000,000)*	[26] *(62,721,304,913)*	*(+54,943,304,913)*
Permanent appropriations, Federal and trust funds	*(167,031,493,000)*	*(167,031,493,000)*	.....
Adjustments for interfund and intragovernmental transactions	*(−43,723,976,000)*	*(−43,723,976,000)*	.....
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	[27] 406,281,005,434	[28] 400,113,361,951	−6,167,643,483
Transition period	85,480,984,914	83,406,054,499	−2,074,930,415
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(268,312,351,434)*	*(262,194,919,839)*	*(−6,117,431,595)*
Transition period	*(49,641,474,914)*	*(47,575,114,499)*	*(−2,066,360,415)*
Rescission acts	[29] *(−2,633,306,226)*	*(−287,291,174)*	*(−287,291,174)*
Appropriations in legislative acts	*(10,000,000,000)*	[30] *(10,237,079,286)*	*(+237,079,286)*
Transition period (net)	.....	*(−8,570,000)*	*(−8,570,000)*
Permanent appropriations, Federal and trust funds	*(182,234,795,000)*	*(182,234,795,000)*	.....
Transition period	*(46,570,059,000)*	*(46,570,059,000)*	.....
Adjustments for interfund and intragovernmental transactions	*(−54,266,141,000)*	*(−54,266,141,000)*	.....
Transition period	*(−10,730,549,000)*	*(−10,730,549,000)*	.....
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	[31] 452,558,401,535	[32] 444,664,800,880	−7,893,600,655
Transition period	3,667,308,225	[33] 8,507,078,440	+4,839,770,215
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(280,825,058,535)*	*(277,503,235,407)*	*(−3,321,823,128)*
Transition period (net)	*(3,579,808,225)*	*(4,812,230,180)*	*(+1,232,421,955)*
Rescission acts	[29] *(−2,721,032,655)*	*(−70,656,000)*	*(−70,656,000)*
Transition period	*(−45,600,000)*	*(−5,175,000)*	*(−5,175,000)*
Appropriations in legislative acts	*(6,950,000,000)*	[34] *(2,448,878,473)*	*(−4,501,121,527)*
Transition period	*(87,500,000)*	[35] *(3,700,023,260)*	*(+3,612,523,260)*
Permanent appropriations, Federal and trust funds	*(227,151,661,000)*	*(227,151,661,000)*	.....
Adjustments for interfund and intragovernmental transactions	*(−62,368,318,000)*	*(−62,368,318,000)*	.....

See footnotes on pp. 2566–2568.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	[36] $540,713,958,174	[37] $527,330,473,509	−$13,383,484,665
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(366,590,877,174)*	*(354,014,030,783)*	*(−12,576,846,391)*
Rescission acts	[29] *(−1,779,480,000)*	*(−807,640,000)*	*(−807,640,000)*
Appropriations in legislative acts		[38] *(1,001,726)*	*(+1,001,726)*
Permanent appropriations, Federal and trust funds	*(235,215,056,000)*	*(235,215,056,000)*	
Adjustments for interfund and intragovernmental transactions	*(−61,091,975,000)*	*(−61,091,975,000)*	
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	[39] 597,475,620,701	[40] 579,378,264,134	−18,097,356,567
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(373,829,695,701)*	*(353,538,353,730)*	*(−20,291,341,971)*
Rescission acts	[29] *(−603,255,000)*	*(−55,255,000)*	*(−55,255,000)*
Appropriations in legislative acts	*(17,349,285,000)*	[41] *(19,598,525,404)*	*(+2,249,240,404)*
Permanent appropriations, Federal and trust funds	*(269,875,638,000)*	*(269,875,638,000)*	
Adjustments for interfund and intragovernmental transactions	*(−63,578,998,000)*	*(−63,578,998,000)*	
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	[42] 638,492,625,836	[43] 623,190,712,474	*(−15,301,913,362)*
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(402,717,061,836)*	*(388,138,756,291)*	*(−14,578,305,545)*
Rescission acts	[29] *(−914,617,000)*	*(−723,609,000)*	*(−723,609,000)*
Appropriations in legislative acts		[44] *(+1,183)*	*(+1,183)*
Permanent appropriations, Federal and trust funds	*(308,995,920,000)*	*(308,995,920,000)*	
Adjustments for interfund and intragovernmental transactions	*(−73,220,356,000)*	*(−73,220,356,000)*	
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	[45] 716,540,499,292	[46] 696,792,053,346	*(−19,748,445,946)*
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(453,514,910,292)*	*(433,765,621,344)*	*(−19,749,288,948)*
Rescission acts			
Appropriations in legislative acts		[44] *(+843,002)*	*(+843,002)*
Permanent appropriations, Federal and trust funds	*(351,616,467,000)*	*(351,616,467,000)*	
Adjustments for interfund and intragovernmental transactions	*(−88,590,878,000)*	*(−88,590,878,000)*	
97th Cong., 1st sess.:			
Fiscal year 1982 and prior fiscal years	[47] 770,438,061,450	[48] 755,274,775,261	−15,163,286,189
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(452,000,228,450)*	*(436,836,942,261)*	*(−15,163,286,189)*
Rescission acts			
Appropriations in legislative acts			
Permanent appropriations, Federal and trust funds	*(427,399,947,000)*	*(427,399,947,000)*	
Adjustments for interfund and intragovernmental transactions	*(−108,962,114,000)*	*(−108,962,114,000)*	

See footnotes on pp. 2566–2568.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates with estimates
97th Cong., 2d sess.:			
Fiscal year 1983 and prior fiscal years	[49] $855,549,160,484	[50] $862,835,894,982	+$7,286,734,498
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(511,543,914,484)*	*(507,201,582,060)*	*(−4,342,332,424)*
Rescission acts			
Appropriations in legislative acts	*(3,220,000,000)*	*(14,849,000,000)*	*(+11,629,000,000)*
Private appropriation acts		*(66,922)*	*(+66,922)*
Permanent appropriations, Federal and trust funds	*(475,786,994,000)*	*(475,786,994,000)*	
Adjustments for interfund and intragovernmental transactions	*(−135,001,748,000)*	*(−135,001,748,000)*	
98th Cong., 1st sess.:			
Fiscal year 1984 and prior fiscal years	[51] 930,234,128,985	[52] 946,627,586,722	+16,393,457,737
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(543,716,482,985)*	*(549,717,909,104)*	*(+6,001,426,119)*
Rescission acts			
Appropriations in legislative acts	*(14,950,000,000)*	*(25,342,000,000)*	*(+10,392,000,000)*
Private appropriation acts		*(31,618)*	*(+31,618)*
Permanent appropriations, Federal and trust funds	*(519,189,631,000)*	*(519,189,631,000)*	
Adjustments for interfund and intragovernmental transactions	*(−147,621,985,000)*	*(−147,621,985,000)*	
98th Cong., 2d sess.:			
Fiscal year 1985 and prior fiscal years	[53] 1,015,565,170,980	[54] 997,027,809,066	−18,537,361,914
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(579,375,055,980)*	*(560,627,524,986)*	*(−18,747,530,994)*
Rescission acts			
Appropriations in legislative acts		*(210,000,000)*	*(+210,000,000)*
Private appropriation acts			
Permanent appropriations, Federal and trust funds	*(619,354,391,000)*	*(619,354,391,000)*	
Adjustments for interfund and intragovernmental transactions	*(−183,164,276,000)*	*(−183,164,276,000)*	
99th Cong., 1st sess.:			
Fiscal year 1986 and prior fiscal years	[55] 1,095,466,342,939	[56] 1,086,123,592,087	−9,342,750,852
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(591,917,552,939)*	*(578,038,802,087)*	*(−13,878,750,852)*
Rescission acts			
Appropriations in legislative acts	*(−2,460,000,000)*	*(2,076,000,000)*	*(+4,536,000,000)*
Private appropriation acts			
Permanent appropriations, Federal and trust funds	*(698,620,815,000)*	*(698,620,815,000)*	
Adjustments for interfund and intragovernmental transactions	*(−192,612,025,000)*	*(−192,612,025,000)*	

See footnotes on pp. 2566–2568.

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—Concept of "budget estimates" and "appropriations" as used in this tabulation, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. (See explanation, par. 7 "Compilers' Notes", p. III.) Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures *exclude* amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.]

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (−), appropriations compared with estimates with estimates
99th Cong., 2d sess.:			
Fiscal year 1987 and prior fiscal years	[57] $1,116,382,025,594	[58] $1,098,037,263,019	−$18,344,762,575
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(591,331,083,594)*	*(572,498,232,494)*	*(−18,832,851,100)*
Rescission acts			
Appropriations in legislative acts	*(2,808,000,000)*	*(3,296,000,000)*	*(+488,000,000)*
Private appropriation acts		*(88,525)*	*(+88,525)*
Permanent appropriations, Federal and trust funds	*(716,934,017,000)*	*(716,934,017,000)*	
Adjustments for interfund and intragovernmental transactions	*(−194,691,075,000)*	*(−194,691,075,000)*	
100th Cong., 1st sess.:			
Fiscal year 1988 and prior fiscal years	[59] 1,265,727,874,956	[60] 1,171,630,627,150	−94,097,247,806
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(702,395,151,956)*	*(611,244,904,150)*	*(−91,150,247,806)*
Rescission acts			
Appropriations in legislative acts	*(15,322,000,000)*	*(12,375,000,000)*	*(−2,947,000,000)*
Private appropriation acts			
Permanent appropriations, Federal and trust funds	*(757,348,556,000)*	*(757,348,556,000)*	
Adjustments for interfund and intragovernmental transactions	*(−209,337,833,000)*	*(−209,337,833,000)*	

[1] Includes $225,000,000 requested in 1965 for fiscal year 1966.
[2] Includes $75,000,000 appropriated in 1965 for fiscal year 1966.
[3] Includes $937,500,000 requested in 1966 for fiscal year 1967.
[4] Includes $926,000,000 appropriated in 1966 for fiscal year 1967.
[5] Includes $900,000,000 requested in 1967 for fiscal year 1968.
[6] Includes $875,000,000 appropriated in 1967 for fiscal year 1968.
[7] Includes $1,055,000,000 requested in 1968 for fiscal year 1969.
[8] Includes $995,000,000 appropriated in 1968 for fiscal year 1969.
[9] Does not reflect additional reductions in controllable obligations effected pursuant to Public Law 90-218 (H.J. Res. 888) estimated at $3,400,617,000 on June 30, 1968. Reserves established $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining $3,400,617,000.
[10] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $2,895,000,000 requested in 1969 for fiscal year 1970.
[11] Totals adjusted to *exclude* $12,800,000,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $1,965,814,300 appropriated in 1969 for fiscal year 1970.
[12] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $1,651,000,000 requested in 1970 for fiscal year 1971.
[13] Totals adjusted to *exclude* $13,915,525,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $214,000,000 appropriated in 1970 for fiscal year 1971.
[14] Totals adjusted to *exclude* $[8,232,767,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $188,011,000 requested in 1971 for fiscal year 1972.
[15] Totals adjusted to *exclude* $18,232,767,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $150,000,000 appropriated in 1971 for fiscal year 1972.
[16] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $174,321,000 requested in 1972 for fiscal year 1973.
[17] Totals adjusted to *exclude* $20,404,398,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $174,321,000 appropriated in 1972 for fiscal year 1973.
[18] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $131,181,000 requested in 1973 for fiscal year 1974.
[19] Totals adjusted to *exclude* $23,914,645,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations include $131,181,000 appropriated in 1973 for fiscal year 1974.
[20] Includes appropriations totaling $33,499,495,500 in continuing resolution (Public Law 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, and Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects an increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-1973 volume due to later estimates.
[21] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* (1) $90,360,000 requested in 1974 for fiscal year 1975 and (2) proposed rescissions of fiscal year 1973 appropriations of $198,055,000; and *exclude* (1) decreases of $965,788,000 submitted in 1974 budget as amendments to 1973 budget requests and not acted upon, and (2) proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000 which the Congress did not approve.
[22] Totals adjusted to *exclude* $37,257,990,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* (1) $90,360,000 appropriated in 1974 for fiscal year 1975 and (2) rescissions of fiscal year 1973 appropriations totaling $212,412,000; and *excludes* action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,888,000.
[23] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $2,391,561,000 requested in fiscal year 1975 for fiscal year 1976, and proposed rescissions totaling $1,455,116,000 in regular appropriation and rescission acts (see table VIII_j on p. 2427 1974-1975 volume for detail).

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[34] Totals adjusted to *exclude* $43,723,976,000 of interfund and intragovernmental transactions—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,428,597,000 appropriated in fiscal 1975 for fiscal year 1976, and rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIII, on p. 2427 1974–1975 volume for detail).

[35] Includes increase of $45,022,070,000 (budget estimate, $5,098,000,000; allowance, $50,120,070,000) which reflects 40-year run-out cost of annual contract authority made available through Public Law 93–383.

[36] Includes private acts totaling $165,913.

[37] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $2,417,777,000 requested in fiscal year 1976 for fiscal year 1977, and *exclude* proposed rescissions totaling $25,000,000 considered in a regular annual appropriation act (Public Law 94–134).

[38] Totals adjusted to *exclude* interfund and intragovernmental transactions of $54,266,141,000 for fiscal year 1976 and $10,730,549,000 for the transition period—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $2,653,410,852 appropriated in fiscal year 1976 for fiscal year 1977, and rescissions totaling $702,291,174 consisting of $25,000,000 in a regular annual appropriation act, $287,291,174 in rescission acts and $390,000,000 in a legislative act.

[39] Estimates not reflected in totals.

[40] Includes private acts totaling $27,286.

[41] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $95,421,779 for fiscal year 1978 and $90,000,000 for fiscal year 1979 requested in fiscal year 1977.

[42] Totals adjusted to *exclude* interfund and intragovernmental transactions of $62,368,318,000 for fiscal year 1977—see par. 4, "Compilers' Notes", p. IV. Appropriations figure includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 appropriated in fiscal year 1977, and rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts.

[43] Reflects rescissions of $5,175,000.

[44] Includes private acts totaling $878,473.

[45] Includes private acts totaling $23,260.

[46] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $120,200,000 for fiscal year 1980 requested in fiscal year 1978.

[47] Totals adjusted to *exclude* interfund and intragovernmental transactions of $61,091,975,000 for fiscal year 1978—see par. 4, "Compilers' Notes", p. IV. Appropriations figure includes $152,000,000 for fiscal year 1980 appropriated in fiscal year 1978, and rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[48] Includes private acts totaling $1,726.

[49] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $17,646,443,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). This amount has been increased by $198,300,000 above the $17,448,143,000 referred to in footnote 39 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Budget estimates also *include* $9,835,000,000 for fiscal year 1980, $4,627,000,000 for fiscal year 1981; and $4,465,000,000 for fiscal year 1982 requested in fiscal year 1979.

[50] Totals adjusted to *exclude* interfund and intragovernmental transactions of $63,578,998,000 for fiscal year 1979—see par. 4, "Compilers' Notes", p. IV. Appropriations figure includes $15,427,919,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 95–482). Estimates for these programs total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 40 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Appropriations figure also includes $5,136,500,000 for fiscal year 1980, $5,615,000,000 for fiscal year 1981, and $4,374,000,000 for fiscal year 1982 appropriated in fiscal year 1979, and rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[51] Includes private acts totaling $1,325,404.

[52] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 4, "Compilers' Notes", p. IV. Budget estimates include $662,319,000 excluded from the 1979–80 volume (96th Congress, 1st session) for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). This amount has been increased by $14,425,000 above the $647,894,000 referred to in footnote 42 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Budget estimates also include $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 requested in fiscal year 1980.

[53] Totals adjusted to *exclude* interfund and intragovernmental transactions of $73,220,356,000 for fiscal year 1980—see par. 4, "Compilers' Notes", p. IV. Appropriations figures includes $1,146,946,000, excluded from the 1979–80 volume (96th Congress, 1st session), for programs for the Department of Health, Education and Welfare and related agencies, funded at the "current rate" in the continuing resolution (Public Law 96–123). Estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 43 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Appropriations figure also *includes* $162,000,000 for fiscal year 1981, and $172,000,000 for fiscal year 1982 appropriated in fiscal year 1980, and rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,00 in rescission acts. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[54] Consists of private appropriation acts.

[55] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $198,100,000 for fiscal year 1982; and $172,000,000 for fiscal year 1983 requested in fiscal year 1981. Budget estimates *exclude* $6,954,927,000 for fiscal year 1981 to liquidate "indefinite" budget authority requested in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no estimates included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts), but *include* $6,914,793,000 in "indefinite" budget authority for fiscal year 1981 which will be adjusted in fiscal year 1982 (1981–82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[56] Totals adjusted to *exclude* interfund and intragovernmental transactions of $88,590,878,000 for fiscal year 1981—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 appropriated in fiscal year 1981, and rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Totals also *exclude* $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no figures provided in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). *Includes* authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 (1981–82 volume) when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[57] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $1,750,753,000 for fiscal year 1983; and $93,500,000 for fiscal year 1984 requested in fiscal year 1982. Budget estimates *exclude* $6,466,410,000 for fiscal year 1982 to liquidate "indefinite" budget authority requested in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 carried in 1980–81 volume), but *include* $4,916,000,000 in "indefinite" budget authority for fiscal year 1982 which will be adjusted in fiscal year 1983 (1982–83 volume) when final amounts become known (see table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved).

[58] Totals adjusted to *exclude* interfund and intragovernmental transactions of $108,962,114,000 for fiscal year 1982—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $1,787,341,000 for fiscal year 1983; and $105,600,000 for fiscal year 1984 appropriated in fiscal year 1982, and rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Totals also *exclude* $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services ($6,914,793,000 included in 1980–81 volume). *Includes* authority to obligate $4,615,600,000 in "indefinite" budget

IX. COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 (1982-83 volume) when final amounts become known (see table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved).

[49] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $5,919,703,000 for fiscal year 1984 and $85,000,000 for fiscal year 1985 requested in fiscal year 1983. Budget estimates *exclude* $4,847,792,000 for fiscal year 1983 to liquidate "indefinite" budget authority requested in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,916,000,000 carried in 1981-82 volume). See table VIII footnote 22 on p. 1535, 1982-83 volume, for accounts involved.

[50] Totals adjusted to *exclude* interfund and intragovernmental transactions of $135,001,748,000 for fiscal year 1983—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $6,976,000,000 for fiscal year 1984; and $130,000,000 for fiscal year 1985 appropriated in fiscal year 1983, and rescissions totaling $8,967,781,500 consisting of $2,888,815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Totals also *exclude* $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimated at $4,615,600,000 in 1981-82 volume). See table VIII footnote 22 on p. 1535, 1982-83 volume, for accounts involved.

[51] Totals adjusted to *exclude* interfund and intragovernmental transactions of $147,621,985,000 for fiscal year 1984—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $7,442,204,000 for fiscal year 1985 and $75,000,000 for fiscal year 1986 requested in fiscal year 1984. Budget estimates *exclude* $35,378,000 for fiscal year 1984 to liquidate "indefinite" budget authority requested in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7 on p. 1129, 1983-84 volume, for accounts involved.

[52] Totals adjusted to *exclude* interfund and intragovernmental transactions of $147,621,985,000 for fiscal year 1984—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $7,772,000,000 for fiscal year 1985 and $130,000,000 for fiscal year 1986 appropriated in fiscal year 1984, and rescissions totaling $4,616,128,000 consisting of $2,956,897,000 in regular annual appropriation acts and $1,659,231,000 in supplemental acts. Totals also *exclude* $323,000,000 appropriated in fiscal year 1984 to liquidate "indefinite" budget authority provided in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7 on p. 1129, 1983-84 volume, for accounts involved.

[53] Totals adjusted to *exclude* interfund and intragovernmental transactions of $183,164,276,000 for fiscal year 1985—see par. 4, "Compilers' Notes", p. IV. Budget estimates *include* $10,568,609,000 for fiscal year 1986 and $100,000,000 for fiscal year 1987 requested in fiscal year 1985. Budget estimates *exclude* $36,786,000 for fiscal year 1985 to liquidate "indefinite" budget authority requested in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984-85 volume, for accounts involved.

[54] Totals adjusted to *exclude* interfund and intragovernmental transactions of $183,164,276,000 for fiscal year 1985—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $10,885,169,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987 appropriated in fiscal year 1985, and rescissions totaling $10,539,178,000 consisting of $10,129,461,000 in regular annual appropriation acts and $409,717,000 in supplemental acts. Totals also *exclude* $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1905, 1984-85 volume, for accounts involved.

[55] Totals adjusted to *exclude* interfund and intragovernmental transactions of $192,612,025,000 for fiscal year 1986—see par. 4, "Compilers' Notes", p. IV. Budget estimates *includes* $11,473,754,000 for fiscal year 1987 and $214,000,000 for fiscal year 1988 requested in fiscal year 1986. Budget estimates *exclude* $809,573,000 for fiscal year 1986 to liquidate "indefinite" budget authority requested in fiscal year 1985 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5 on p. 1756, 1985–86 volume, for accounts involved.

[56] Totals adjusted to *exclude* interfund and intragovernmental transactions of $192,612,025,000 for fiscal year 1986—see par. 4, "Compilers' Notes", p. IV. Appropriations figure *includes* $11,493,754,000 for fiscal year 1987 and $214,000,000 for fiscal year 1988 appropriated in fiscal year 1986, and rescissions totaling $8,555,956,000 consisting of $7,815,000,000 in regular annual appropriation acts including continuing resolutions and $740,956,000 in supplemental acts. Totals also *exclude* $1,329,834,000 appropriated in fiscal year 1986 to liquidate "indefinite" budget authority provided in fiscal year 1985 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1756, 1985–86 volume, for accounts involved.

[57] Totals adjusted to *exclude* interfund and intragovernmental transactions of $194,691,075,000 for fiscal year 1987—see par. 6, "Compilers' Notes", p. IV. Budget estimates *includes* $12,819,065,000 for fiscal year 1988 and $292,000,000 for fiscal year 1989 requested in fiscal year 1987.

[58] Totals adjusted to *exclude* interfund and intragovernmental transactions of $194,691,075,000 for fiscal year 1987—see par. 6, "Compilers' Notes", p. IV. Appropriations figure *includes* $12,852,265,000 for fiscal year 1988 and $452,000,000 for fiscal year 1989 appropriated in fiscal year 1987, and rescissions totaling $19,277,677,000 consisting of $6,281,753,000 in regular annual appropriation acts including continuing resolutions and $12,995,924,000 in supplemental acts.

[59] Totals adjusted to *exclude* interfund and intragovernmental transactions of $209,337,833,000 for fiscal year 1988—see par. 6, "Compilers' Notes", p. IV. Budget estimates *includes* $84,969,423,000 for fiscal year 1989, $14,709,992,000 for fiscal year 1990, $500,000,000 for fiscal year 1991, and $500,000,000 for fiscal year 1992, requested in fiscal year 1988.

[60] Totals adjusted to *exclude* interfund and intragovernmental transactions of $209,337,833,000 for fiscal year 1988—see par. 6, "Compilers' Notes", p. IV. Appropriations figure *includes* $14,295,000,000 for fiscal year 1989 and $232,648,000 for fiscal year 1990 appropriated in fiscal year 1988, and rescissions totaling $4,673,059,067 consisting of $4,072,371,067 in regular annual appropriation acts including continuing resolutions and $600,688,000 in supplemental acts.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS

[NOTE.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 100th Cong., 1st sess., are based on estimates in the January 1987 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session	Federal funds	Trust funds	Total
42d Cong., 2d sess., fiscal year 1873 and prior years	$330,546,360		$330,546,360
42d Cong., 3d sess., fiscal year 1874 and prior years	344,535,209		344,535,209
43d Cong., 1st sess., fiscal year 1875 and prior years	330,441,844		330,441,844
43d Cong., 2d sess., fiscal year 1876 and prior years	322,013,149		322,013,149
44th Cong., 1st sess., fiscal year 1877 and prior years	299,150,125		299,150,125
44th Cong., 2d sess., fiscal year 1878 and prior years	291,220,477		291,220,477
45th Cong., 1st and 2d sess., fiscal year 1879 and prior years	317,924,555		317,924,555
45th Cong., 3d sess., and 46th Cong., 1st sess., fiscal year 1880 and prior years	338,865,031		338,865,031
46th Cong., 2d sess., fiscal year 1881 and prior years	332,791,077		332,791,077
46th Cong., 3d sess., fiscal year 1882 and prior years	361,922,068		361,922,068
47th Cong., 1st sess., fiscal year 1883 and prior years	423,827,294		423,827,294
47th Cong., 2d sess., fiscal year 1884 and prior years	349,463,261		349,463,261
48th Cong., 1st sess., fiscal year 1885 and prior years	306,077,470		306,077,470
48th Cong., 2d sess., fiscal year 1886 and prior years	344,504,413		344,504,413
49th Cong., 1st sess., fiscal year 1887 and prior years	383,245,914		383,245,914
49th Cong., 2d sess., fiscal year 1888 and prior years	365,430,333		365,430,333
50th Cong., 1st sess., fiscal year 1889 and prior years	422,867,168		422,867,168
50th Cong., 2d sess., fiscal year 1890 and prior years	395,430,284		395,430,284
51st Cong., 1st sess., fiscal year 1891 and prior years	463,383,480		463,383,480
51st Cong., 2d sess., fiscal year 1892 and prior years	524,381,816		524,381,816
52d Cong., 1st sess., fiscal year 1893 and prior years	507,376,398		507,376,398
52d Cong., 2d sess., fiscal year 1894 and prior years	519,535,293		519,535,293
53d Cong., 1st and 2d sess., fiscal year 1895 and prior years	492,477,460		492,477,460
53d Cong., 3d sess., fiscal year 1896 and prior years	496,982,585		496,982,585
54th Cong., 1st sess., fiscal year 1897 and prior years	515,852,380		515,852,380
54th Cong., 2d sess. and 55th Cong., 1st sess., fiscal year 1898 and prior years	528,735,878		528,735,878
55th Cong., 2d sess., fiscal year 1899 and prior years	892,656,776		892,656,776
55th Cong., 3d sess., fiscal year 1900 and prior years	698,912,893		698,912,893
56th Cong., 1st sess., fiscal year 1901 and prior years	705,653,298		705,653,298

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X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 100th Cong., 1st sess., are based on estimates in the January 1987 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session	Federal funds	Trust funds	Total
56th Cong., 2d sess., fiscal year 1902 and prior years	$730,241,863		$730,241,863
57th Cong., 1st sess., fiscal year 1903 and prior years	801,682,773		801,682,773
57th Cong., 2d sess., fiscal year 1904 and prior years	752,741,659		752,741,659
58th Cong., 1st and 2d sess., fiscal year 1905 and prior years	781,288,215		781,288,215
58th Cong., 3d sess., fiscal year 1906 and prior years	818,191,283		818,191,283
59th Cong., 1st sess., fiscal year 1907 and prior years	881,953,644		881,953,644
[illegible]h Cong., 2d sess., fiscal year 1908 and prior years	919,163,823		919,163,823
60th Cong., 1st sess., fiscal year 1909 and prior years	1,006,431,727		1,006,431,727
60th Cong., 2d sess., fiscal year 1910 and prior years	1,044,433,623		1,044,433,623
61st Cong., 1st and 2d sess., fiscal year 1911 and prior years	1,039,550,617		1,039,550,617
61st Cong. 3d sess., fiscal year 1912 and prior years	1,022,759,949		1,022,759,949
62d Cong., 1st and 2d sess., fiscal year 1913 and prior years	1,021,349,991		1,021,349,991
62d Cong., 3d sess., fiscal year 1914 and prior years	1,098,602,066		1,098,602,066
63d Cong., 1st and 2d sess., fiscal year 1915 and prior years	1,122,471,919		1,122,471,919
63d Cong., 3d sess., fiscal year 1916 and prior years	1,114,490,704		1,114,490,704
64th Cong., 1st sess., fiscal year 1917 and prior years	1,628,441,645		1,628,441,645
64th Cong., 2d sess. and 65th Cong., 1st sess., fiscal year 1918 and prior years	18,881,940,244		18,881,940,244
65th Cong., 2d sess., fiscal year 1919 and prior years	27,065,148,933		27,065,148,933
65th Cong., 3d sess. and 66th Cong., 1st sess., fiscal year 1920 and prior years	6,454,596,650		6,454,596,650
66th Cong., 2d sess., fiscal year 1921 and prior years	4,780,829,510		4,780,829,510
66th Cong., 3d sess., and 67th Cong., 1st sess. (to July 12, 1921), fiscal year 1922 and prior years	3,909,282,209		3,909,282,209
67th Cong., 1st sess. (from July 12, 1921), and 67th Cong., 2d sess. (to July 1, 1922), fiscal year 1923 and prior years	4,248,140,570		4,248,140,570
67th Cong., 2d sess. (from July 2, 1922), and 67th Cong., 3d sess. and 67th Cong., 4th sess., fiscal year 1924 and prior years	4,092,544,312		4,092,544,312
68th Cong., 1st sess., fiscal year 1925 and prior years	3,748,651,750		3,748,651,750
68th Cong., 2d sess., fiscal year 1926 and prior years	4,151,682,050		4,151,682,050
69th Cong., 1st sess., fiscal year 1927 and prior years	4,409,463,390		4,409,463,390
69th Cong., 2d sess., fiscal year 1928 and prior years	4,211,011,353		4,211,011,353
70th Cong., 1st sess., fiscal year 1929 and prior years	4,633,577,974		4,633,577,974
70th Cong., 2d sess., fiscal year 1930 and prior years	4,665,236,678		4,665,236,678
71st Cong., 1st and 2d sess., fiscal year 1931 and prior years	5,071,711,694		5,071,711,694
71st Cong., 3d sess., fiscal year 1932 and prior years	5,178,524,968		5,178,524,968

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 100th Cong., 1st sess., are based on estimates in the January 1987 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session	Federal funds	Trust funds	Total
72d Cong., 1st sess., fiscal year 1933 and prior years	$5,785,252,642		$5,785,252,642
72d Cong., 2d sess. and 73d Cong., 1st sess., fiscal year 1934 and prior years	7,692,447,339		7,692,447,339
73d Cong., 2d sess., fiscal year 1935 and prior years	7,527,559,328		[1] 7,527,559,328
74th Cong., 1st sess., fiscal year 1936 and prior years	9,579,757,330		9,579,757,330
74th Cong., 2d sess., fiscal year 1937 and prior years	10,336,399,273		10,336,399,273
75th Cong., 1st sess., fiscal year 1938 and prior years	9,183,701,741	$172,473,242	9,356,174,983
75th Cong., 2d and 3d sess., fiscal year 1939 and prior years	10,338,996,190	1,022,819,464	11,361,815,654
76th Cong., 1st sess., fiscal year 1940 and prior years	11,447,634,077	1,904,152,417	13,351,786,494
76th Cong., 2d and 3d sess., fiscal year 1941 and prior years	16,878,865,242	2,193,125,902	19,071,991,144
77th Cong., 1st sess., fiscal year 1942 and prior years	57,792,715,367	3,062,440,985	60,855,156,352
77th Cong., 2d sess., fiscal year 1943 and prior years to Oct. 31, 1942	147,071,208,962	3,861,678,074	150,932,887,036
78th Cong., 1st sess., fiscal year 1944 and prior years	114,564,008,595	4,642,328,744	119,206,337,339
78th Cong., 2d sess., fiscal year 1945 and prior fiscal years	67,614,266,775	6,749,006,538	74,363,273,313
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	69,780,137,110	6,662,202,694	76,442,339,804
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,734,209,165	4,653,376,295	40,387,585,460
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	35,982,887,708	5,487,396,936	41,470,284,644
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,675,480,957	5,480,063,813	47,155,544,770
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	46,497,456,898	6,517,603,514	53,015,060,412
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	81,045,040,441	6,632,999,495	87,678,039,936
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	101,117,786,897	8,127,323,548	109,245,110,445
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	85,999,646,411	8,532,644,348	94,532,290,759
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	65,156,254,797	8,999,782,171	74,156,036,968
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	58,160,445,563	9,891,179,453	68,051,625,016
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	63,947,281,321	10,871,988,245	74,819,269,566
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	73,041,364,417	11,679,248,757	84,720,613,174
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,064,958,328	15,610,607,572	88,675,565,900
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,119,818,276	16,382,991,651	[2] 97,502,809,927
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	81,572,357,732	19,495,828,782	[2] 101,068,186,514
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	83,799,241,957	22,329,891,675	[2] 106,129,133,632
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	96,194,946,610	24,915,218,285	[2] 121,110,164,895
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	102,661,536,812	27,401,377,000	[2] 130,062,913,812

See footnotes on pp. 2575–2577

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 100th Cong., 1st sess., are based on estimates in the January 1987 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session	Federal funds	Trust funds	Total
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	$103,798,634,671	$29,472,357,040	[2] $133,270,991,711
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	106,070,110,056	30,929,694,000	[2] 136,999,804,056
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	119,310,113,527	32,747,251,540	[2] 152,057,365,067
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	143,883,626,282	41,830,618,000	[2] 185,714,244,282
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	156,917,115,912	48,205,647,000	[2] 205,122,762,912
90th Cong., 2d sess., fiscal year 1969 and prior years	142,524,357,324	54,012,887,000	[2] 196,537,244,324
Consisting of:			
Regular annual and supplemental appropriation acts	*(133,339,868,734)*		*(133,339,868,734)*
Appropriations in legislative acts	*(2,999,227,590)*		*(2,999,227,590)*
Permanent appropriations	*(18,985,261,000)*	*(54,012,887,000)*	*(72,998,148,000)*
Adjustments for interfund and intragovernmental transactions	*(−12,800,000,000)*		*(−12,800,000,000)*
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	146,628,658,494	60,619,823,000	[2] 207,248,481,494
Consisting of:			
Regular annual and supplemental appropriation acts	*(134,431,463,135)*		*(134,431,463,135)*
Appropriations in legislative acts	*(4,680,127,359)*		*(4,680,127,359)*
Permanent appropriations	*(21,432,593,000)*	*(60,619,823,000)*	*(82,052,416,000)*
Adjustments for interfund and intragovernmental transactions	*(−13,915,525,000)*		*(−13,915,525,000)*
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	166,758,720,882	65,381,174,000	[2] 232,139,894,882
Consisting of:			
Regular annual and supplemental appropriation acts	*(144,273,528,504)*		*(144,273,528,504)*
Appropriations in legislative acts	*(18,039,291,378)*		*(18,039,291,378)*
Permanent appropriations	*(22,678,668,000)*	*(65,381,174,000)*	*(88,059,842,000)*
Adjustments for interfund and intragovernmental transactions	*(−18,232,767,000)*		*(−18,232,767,000)*
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	170,300,119,635	75,407,481,000	[2] 245,707,600,635
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(165,300,661,865)*		*(165,300,661,865)*
Appropriations in legislative acts	*(46,645,770)*		*(46,645,770)*
Permanent appropriations	*(25,357,210,000)*	*(75,407,481,000)*	*(100,764,691,000)*
Adjustments for interfund and intragovernmental transactions	*(−20,404,398,000)*		*(−20,404,398,000)*
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	[3] 193,474,986,934	91,307,552,000	[2] [3] 284,782,538,934
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[3] *(179,006,901,364)*		[3] *(179,006,901,364)*
Appropriations in legislative acts	*(11,200,404,169)*		*(11,200,404,169)*
Permanent appropriations	*(27,182,326,401)*	*(91,307,552,000)*	*(118,489,878,401)*
Adjustments for interfund and intragovernmental transactions	*(−23,914,645,000)*		*(−23,914,645,000)*

See footnotes on pp. 2575–2577.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 100th Cong., 1st sess., are based on estimates in the January 1987 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session	Federal funds	Trust funds	Total
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	[4] $182,480,509,654	$120,995,727,000	[2] [4] $303,476,236,654
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	[4] *(174,902,319,304)*		[4] *(174,902,319,304)*
Appropriations in legislative acts	*(3,940,372,350)*	*(12,462,940,000)*	*(16,403,312,350)*
Permanent appropriations	*(40,895,808,000)*	*(108,532,787,000)*	*(149,428,595,000)*
Adjustments for interfund and intragovernmental transactions	*(−37,257,990,000)*		*(−37,257,990,000)*
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	[5] 268,304,872,427	121,736,261,000	[2] [5] 390,041,133,427
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts	*(204,012,311,514)*		*(204,012,311,514)*
Appropriations in legislative acts	*(62,568,804,913)*	*(152,500,000)*	*(62,721,304,913)*
Permanent appropriations	*(45,447,732,000)*	*(121,583,761,000)*	*(167,031,493,000)*
Adjustments for interfund and intragovernmental transactions	*(−43,723,976,000)*		*(−43,723,976,000)*
94th Cong., 1st sess.:			
Fiscal year 1976 and prior fiscal years	269,391,509,951	130,721,852,000	[2] [6] 400,113,361,951
Transition period	49,782,823,499	33,623,231,000	[7] 83,406,054,499
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(262,194,919,839)*		*(262,194,919,839)*
Transition period	*(47,575,114,499)*		*(47,575,114,499)*
Rescission acts	*(−287,291,174)*		*(−287,291,174)*
Appropriations in legislative acts	*(10,627,079,286)*	*(−390,000,000)*	*(10,237,079,286)*
Transition period (net)	[8] *(−8,570,000)*		[8] *(−8,570,000)*
Permanent appropriations	*(51,122,943,000)*	*(131,111,852,000)*	*(182,234,795,000)*
Transition period	*(12,946,828,000)*	*(33,623,231,000)*	*(46,570,059,000)*
Adjustments for interfund and intragovernmental transactions	*(−54,266,141,000)*		*(−54,266,141,000)*
Transition period	*(−10,730,549,000)*		*(−10,730,549,000)*
94th Cong., 2d sess.:			
Fiscal year 1977 and prior fiscal years	[9] 288,220,964,880	156,443,836,000	[2] [9] 444,664,800,880
Transition period	4,792,078,440	3,715,000,000	[10] 8,507,078,440
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(277,157,958,407)*	*(345,277,000)*	*(277,503,235,407)*
Transition period (net)	*(4,797,230,180)*	*(15,000,000)*	*(4,812,230,180)*
Rescission acts	*(−70,656,000)*		*(−70,656,000)*
Transition period	*(−5,175,000)*		*(−5,175,000)*
Appropriations in legislative acts	*(878,473)*	*(2,448,000,000)*	*(2,448,878,473)*
Transition period	*(23,260)*	*(3,700,000,000)*	*(3,700,023,260)*
Permanent appropriations	*(63,037,720,000)*	*(164,113,941,000)*	*(227,151,661,000)*
Adjustments for interfund and intragovernmental transactions	[11] *(−51,904,936,000)*	*(−10,463,382,000)*	*(−62,368,318,000)*
95th Cong., 1st sess.:			
Fiscal year 1978 and prior fiscal years	[12] 360,785,368,842	166,545,104,667	[2] [12] 527,330,473,509
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(353,317,494,116)*	*(696,536,667)*	[2] *(354,014,030,783)*
Rescission acts	*(−807,640,000)*		*(−807,640,000)*
Appropriations in legislative acts	*(1,001,726)*		*(1,001,726)*
Permanent appropriations	*(56,830,073,000)*	*(178,384,983,000)*	*(235,215,056,000)*
Adjustments for interfund and intragovernmental transactions	[13] *(−48,555,560,000)*	*(−12,536,415,000)*	*(−61,091,975,000)*

See footnotes on pp. 2575–2577.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 100th Cong., 1st sess., are based on estimates in the January 1987 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session	Federal funds	Trust funds	Total
95th Cong., 2d sess.:			
Fiscal year 1979 and prior fiscal years	[14] $372,683,967,134	$206,694,297,000	[2] [14] $579,378,264,134
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(352,638,885,730)*	*(899,468,000)*	[2] *(353,538,353,730)*
Rescission acts	*(−55,255,000)*		*(−55,255,000)*
Appropriations in legislative acts	*(7,325,404)*	*(19,591,200,000)*	*(19,598,525,404)*
Permanent appropriations	*(70,749,391,000)*	*(199,126,247,000)*	*(269,875,638,000)*
Adjustments for interfund and intragovernmental transactions	[15] *(−50,656,380,000)*	*(−12,922,618,000)*	*(−63,578,998,000)*
96th Cong., 1st sess.:			
Fiscal year 1980 and prior fiscal years	[16] 408,773,914,474	214,416,798,000	[2] [16] 623,190,712,474
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(386,521,933,291)*	*(1,616,823,000)*	[2] *(388,138,756,291)*
Rescission acts	*(−723,609,000)*		*(−723,609,000)*
Appropriations in legislative acts	*(1,183)*		*(1,183)*
Permanent appropriations	*(81,676,152,000)*	*(227,319,768,000)*	*(308,995,920,000)*
Adjustments for interfund and intragovernmental transactions	[17] *(−58,700,563,000)*	*(−14,519,793,000)*	*(−73,220,356,000)*
96th Cong., 2d sess.:			
Fiscal year 1981 and prior fiscal years	453,756,787,346	243,035,266,000	[2] [18] 696,792,053,346
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(432,276,712,344)*	*(1,488,909,000)*	[2] *(433,765,621,344)*
Rescission acts			
Appropriations in legislative acts	*(843,002)*		*(843,002)*
Permanent appropriations	*(96,152,253,000)*	*(255,464,214,000)*	*(351,616,467,000)*
Adjustments for interfund and intragovernmental transactions	[19] *(−74,673,021,000)*	*(−13,917,857,000)*	*(−88,590,878,000)*
97th Cong., 1st sess.:			
Fiscal year 1982 and prior fiscal years	469,951,845,261	285,322,930,000	[2] [20] 755,274,775,261
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(434,404,409,261)*	*(2,432,533,000)*	[2] *(436,836,942,261)*
Rescission acts			
Appropriations in legislative acts			
Permanent appropriations	*(128,820,043,000)*	*(298,579,904,000)*	*(427,399,947,000)*
Adjustments for interfund and intragovernmental transactions	[21] *(−93,272,607,000)*	*(−15,689,507,000)*	*(−108,962,114,000)*
97th Cong., 2d sess.:			
Fiscal year 1983 and prior fiscal years	546,140,042,982	316,695,852,000	[2] [22] 862,835,894,982
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(504,216,739,060)*	*(2,984,843,000)*	*(507,201,582,060)*
Rescission acts			
Appropriations in legislative acts		*(14,849,000,000)*	*(14,849,000,000)*
Private appropriation acts	*(66,922)*		*(66,922)*
Permanent appropriations	*(155,879,910,000)*	*(319,907,084,000)*	*(475,786,994,000)*
Adjustments for interfund and intragovernmental transactions	[23] *(−113,956,673,000)*	*(−21,045,075,000)*	*(−135,001,748,000)*
98th Cong., 1st sess.:			
Fiscal year 1984 and prior fiscal years	599,648,521,722	346,979,065,000	[2] [24] 946,627,586,722
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(547,336,540,104)*	*(2,381,369,000)*	*(549,717,909,104)*
Rescission acts			
Appropriations in legislative acts	*(23,000,000)*	*(25,319,000,000)*	*(25,342,000,000)*
Private appropriation acts	*(31,618)*		*(31,618)*
Permanent appropriations	*(173,040,153,000)*	*(346,149,478,000)*	*(519,189,631,000)*
Adjustments for interfund and intragovernmental transactions	[25] *(−120,751,203,000)*	*(−26,870,782,000)*	*(−147,621,985,000)*

See footnotes on pp. 2575–2577.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[NOTE.—As explained in par. 7, "Compilers' Notes", p. III, aggregate totals of appropriations in this volume, beginning with the one for the 90th Cong., 2d sess., include trust fund appropriations not previously emphasized in general tabulations and summaries. The trust fund amounts in this table for the fiscal years 1938–68, inclusive, are derived from footnotes carried to table X in the volume for the 90th Cong., 1st sess., and being estimates thereof as shown in the respective annual budgets, are to some extent approximate. Permanent trust fund amounts for the 100th Cong., 1st sess., are based on estimates in the January 1987 Budget, and are thus subject to revision when actual amounts become known. Permanent "Federal" fund amounts are also based on estimates thereof as shown in the respective annual budgets, and are thus also subject to revision when actual amounts become known.]

Congress and session	Federal funds	Trust funds	Total
98th Cong., 2d sess.:			
Fiscal year 1985 and prior fiscal years	$602,424,350,066	$394,603,459,000	[2] [26] $997,027,809,066
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(556,131,053,986)*	*(4,496,471,000)*	*(560,627,524,986)*
Rescission acts			
Appropriations in legislative acts	*(75,000,000)*	*(135,000,000)*	*(210,000,000)*
Private appropriation acts	*(169,080)*		*(169,080)*
Permanent appropriations	*(202,168,366,000)*	*(417,186,025,000)*	*(619,354,391,000)*
Adjustments for interfund and intragovernmental transactions	[27] *(−155,950,239,000)*	*(−27,214,037,000)*	*(−183,164,276,000)*
99th Cong., 1st sess.:			
Fiscal year 1986 and prior fiscal years	661,596,011,087	424,527,581,000	[2] [28] 1,086,123,592,087
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(571,872,788,087)*	*(6,166,014,000)*	*(578,038,802,087)*
Rescission acts			
Appropriations in legislative acts	*(2,258,000,000)*	*(−182,000,000)*	*(2,076,000,000)*
Private appropriation acts			
Permanent appropriations	*(256,164,982,000)*	*(442,455,833,000)*	*(698,620,815,000)*
Adjustments for interfund and intragovernmental transactions	[29] *(−168,699,759,000)*	*(−23,912,266,000)*	*(−192,612,025,000)*
99th Cong., 2d sess.:			
Fiscal year 1987 and prior fiscal years	678,392,900,019	419,644,363,000	[2] [30] 1,098,037,263,019
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(569,172,325,494)*	*(3,325,907,000)*	*(572,498,232,494)*
Rescission acts			
Appropriations in legislative acts	*(1,642,000,000)*	*(1,654,000,000)*	*(3,296,000,000)*
Private appropriation acts	*(88,525)*		*(88,525)*
Permanent appropriations	*(264,669,029,000)*	*(452,264,988,000)*	*(716,934,017,000)*
Adjustments for interfund and intragovernmental transactions	[31] *(−157,090,543,000)*	*(−37,600,532,000)*	*(−194,691,075,000)*
100th Cong., 1st sess.:			
Fiscal year 1988 and prior fiscal years	690,862,755,817	480,767,871,333	[2] [32] 1,171,630,627,150
Consisting of:			
Regular annual, supplemental, and continuing appropriation acts (net)	*(607,135,479,817)*	*(4,109,424,333)*	*(611,244,904,150)*
Rescission acts			
Appropriations in legislative acts	*(−2,107,000,000)*	*(14,482,000,000)*	*(12,375,000,000)*
Private appropriation acts			
Permanent appropriations	*(253,107,398,000)*	*(504,241,158,000)*	*(757,348,556,000)*
Adjustments for interfund and intragovernmental transactions	[33] *(−167,273,122,000)*	*(−42,064,711,000)*	*(−209,337,835,000)*

[1] Does not include appropriations from the receipts created by the increment resulting from the reduction in weight of the gold dollar under sec. 7 of the Gold Reserve Act of 1934 amounting to $2,000,000,000 for the Exchange Stabilization Fund and $135,299,557 for payment to the surplus of Federal Reserve banks. These appropriations did not affect the budget or the national debt and for that reason are not included.

[2] Total funds for the following years are qualified as indicated:

Congress and session	Funds for refunding internal revenue collections excluded	Funds for cumulative sinking fund for public debt retirement excluded	Includes funds for 1 year in advance of budget year
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	$4,708,950,000	$633,349,085	
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	5,402,200,000	633,349,085	
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	6,053,675,000	633,349,085	
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	5,986,825,000	680,849,085	
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	6,554,000,000	680,849,085	
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	6,235,134,000	680,849,085	
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	5,035,100,000	680,849,085	
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	6,243,000,000	680,849,085	$926,000,000
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	7,573,000,000	680,849,085	875,000,000
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	10,700,000,000	680,849,085	995,000,000
90th Cong., 2d sess., fiscal year 1969 and prior fiscal years	11,161,000,000	680,849,085	1,965,814,000
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	12,822,500,000	680,849,085	214,000,000

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

Congress and session	Funds for refunding internal revenue collections excluded	Funds for cumulative sinking fund for public debt retirement excluded	Includes funds for 1 year in advance of budget year
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	$16,075,187,000	$680,849,085	$150,000,000
92d Cong., 1st sess., fiscal year 1972 and prior fiscal years	18,890,425,332	680,849,085	174,321,000
92d Cong., 2d sess., fiscal year 1973 and prior fiscal years	18,787,584,008	680,849,085	131,181,000
93d Cong., 1st sess., fiscal year 1974 and prior fiscal years	25,628,844,731	680,849,085	90,360,000
93d Cong., 2d sess., fiscal year 1975 and prior fiscal years	27,970,932,506	680,849,085	2,428,597,000
94th Cong., 1st sess., fiscal year 1976 and prior fiscal years	39,906,309,490	680,849,085	2,653,410,852
Transition period (July 1, 1977–Sept. 30, 1976)	2,388,185,173		
94th Cong., 2d sess., fiscal year 1977 and prior fiscal years	33,566,777,877	680,849,085	[24] 813,249,779
95th Cong., 1st sess., fiscal year 1978 and prior fiscal years	36,178,035,326	680,849,085	[25] 152,000,000
95th Cong., 2d sess., fiscal year 1979 and prior fiscal years	39,324,935,206	680,849,085	[26] 15,125,500,000
96th Cong., 1st sess., fiscal year 1980 and prior fiscal years	41,350,321,605	680,849,085	[27] 334,000,000
96th Cong., 2d sess., fiscal year 1981 and prior fiscal years	53,504,051,402	680,849,085	[28] 338,000,000
97th Cong., 1st sess., fiscal year 1982 and prior fiscal years	62,249,552,530	680,849,085	[29] 1,892,941,000
97th Cong., 2d sess., fiscal year 1983 and prior fiscal years	73,405,943,810	680,849,085	[30] 7,106,000,000
98th Cong., 1st sess., fiscal year 1984 and prior fiscal years	87,800,770,203	680,849,085	[31] 7,902,000,000
98th Cong., 2d sess., fiscal year 1985 and prior fiscal years	84,561,228,427	680,849,085	[32] 11,085,169,000
99th Cong., 1st sess., fiscal year 1986 and prior fiscal years	84,560,151,594	680,849,085	[33] 11,707,754,000
99th Cong., 2d sess., fiscal year 1987 and prior fiscal years	92,600,828,378	680,849,085	[34] 13,304,265,000
100th Cong., 1st sess., fiscal year 1988 and prior fiscal years	94,992,287,726	680,849,085	[35] 14,527,648,000

[3] Includes appropriations totaling $33,499,495,500 in continuing resolution (P.L. 92-571) for Foreign Assistance and related programs ($3,652,701,000), and the Departments of Labor, Health, Education, and Welfare and related agencies ($29,846,794,500), and reflects increase of $46,794,500 in the amount for Labor-HEW carried in the 1972-73 volume due to later estimates.

[4] Reflects rescissions totaling $212,412,000 of fiscal year 1973 appropriations. Does not reflect action by the Congress in declining to approve proposed rescissions of fiscal year 1973 appropriations totaling $382,999,000.

[5] Reflects rescissions totaling $1,404,572,000 consisting of $1,319,481,000 in regular appropriation and rescission acts and $85,091,000 in legislative acts (see table VIIIj on p. 2427, 1974-75 volume, for detail).

[6] Reflects rescissions totaling $702,291,174 consisting of $25,000,000 (Federal funds) in a regular annual appropriation act, $287,291,174 (Federal funds) in rescission acts, and $390,000,000 (trust funds) in a legislative act (see table VIIIj on pp. 1259–1260, 1975–76 volume, for detail).

[7] Reflects rescissions of $14,400,000 in legislative acts (see table VIIIj on pp. 1259–1260, 1975–76 volume, for detail).

[8] Consists of new budget (obligational) authority of $5,830,000 and rescissions of $14,400,000 (see table VIIIa on pp. 1230–1231, 1975–76 volume, for detail).

[9] Reflects rescissions totaling $243,378,943 consisting of $172,722,943 in a regular annual appropriation act and $70,656,000 in rescission acts (see table VIIIh, 1976–77 volume, for detail).

[10] Reflects rescissions of $5,175,000 (see table VIIIh, 1976–77 volume, for detail).

[11] Consists of $14,728,128,000 in Federal funds and $37,176,808,000 in interfund transactions.

[12] Reflects rescissions totaling $833,854,000 consisting of $26,214,000 in regular annual appropriation acts and $807,640,000 in rescission acts (see table VIIIi, 1977–78 volume, for detail. Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1978 (Public Law 95–74).

[13] Consists of $12,130,868,000 in Federal funds and $36,424,692,000 in interfund transactions.

[14] Includes $15,427,919,000, excluded from the 1978–79 volume, for programs for the Departments of Labor, and Health, Education, and Welfare and Related Agencies funded at the "current rate" under section 101(a) of the continuing resolution (Public Law 95–482) (see p. 319, 1978–79 volume). Budget estimates for these activities total $17,646,443,000 and reflect an increase of $198,300,000 above the $17,448,143,000 referred to in footnote 14 of the 1978–79 volume (for details, see table VIII on pp. 1221–1222, 1979–80 volume). Reflects rescissions totaling $518,655,000 consisting of $463,400,000 in the Supplemental Appropriations Act, 1978 (Public Law 95–240) and $55,255,000 in rescission acts (see table VIIIk, 1978–79 volume, for details). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. Permanent contract authority amount shown in estimate column and rescinded in the Department of the Interior Appropriation Act, 1979 (Public Law 95–465).

[15] Consists of $13,158,914,000 in Federal funds and $37,497,466,000 in interfund transactions.

[16] Includes $1,146,946,000 excluded from the 1979–80 volume for programs for the Department of Health, Education and Welfare and related agencies funded at the "current rate" under section 101(c) of the further continuing resolution (Public Law 96–123, see p. 288, 1979–80 volume). Budget estimates for these programs total $662,319,000 and reflect an increase of $14,425,000 above the $647,894,000 referred to in footnote 16 of the 1979–80 volume (for details, see table VIII on p. 1959, 1980–81 volume). Reflects rescissions totaling $1,636,709,000 consisting of $913,100,000 in regular annual appropriation acts and $723,609,000 in the budget rescission act (see table VIIIh 1979–80 volume). Also reflects rescission of $47,500,000 in permanent contract authority for the "Helium fund," Bureau of Mines, Department of the Interior. The amount for permanent contract authority is shown in the estimate column and rescinded in the Department of the Interior Appropriation Act, 1980 (Public Law 96–126).

[17] Consists of $16,335,625,000 in Federal funds and $42,364,938,000 in interfund transactions.

[18] Reflects rescissions totaling $4,518,572,146 consisting of $1,335,000,000 in regular annual appropriation acts and $3,183,572,146 in supplemental acts. Excludes $6,954,927,000 appropriated in fiscal year 1981 to liquidate "indefinite" budget authority provided in fiscal year 1980 for certain programs in the Department of Health and Human Services (there were no amounts included in any of the fiscal year 1980 tabulations (1979–80 volume) for these indefinite amounts). Includes authority to obligate $6,914,793,000 in "indefinite" budget authority during fiscal year 1981 which will be adjusted and liquidated in fiscal year 1982 when final amounts become known (see table VIII on pp. 2039–2040, 1980–81 volume, for accounts involved).

[19] Consists of $26,402,993,000 in Federal funds and $48,270,028,000 in interfund transactions.

[20] Reflects rescissions totaling $16,064,086,447 consisting of $1,805,207,800 in regular annual appropriation acts including continuing resolutions and $14,258,878,647 in supplemental acts. Excludes $6,379,418,000 appropriated in fiscal year 1982 to liquidate "indefinite" budget authority provided in fiscal year 1981 for certain programs in the Department of Health and Human Services (estimate of $6,914,793,000 for fiscal year 1981 carried in 1980–81 volume). Includes authority to obligate $4,615,600,000 in "indefinite" budget authority during fiscal year 1982 which will be adjusted and liquidated in fiscal year 1983 when final amounts become known (see table VIII on pp. 1390–1391, 1981–82 volume, for accounts involved).

[21] Consists of $34,835,543,000 in Federal funds and $58,437,064,000 in interfund transactions.

[22] Reflects rescissions totaling $8,967,781,500 consisting of $2,888,815,500 in regular annual appropriation acts including continuing resolutions and $6,078,966,000 in supplemental acts. Excludes $5,492,377,000 appropriated in fiscal year 1983 to liquidate "indefinite" budget authority provided in fiscal year 1982 for certain programs in the Department of Health and Human Services (estimate of $4,615,600,000 for fiscal year 1982 carried in 1981–82 volume). See table VIII footnote 22, on p. 1535, 1982–83 volume, for accounts involved.

[23] Consists of $49,761,582,000 in Federal funds and $64,195,091,000 in interfund transactions.

[24] Reflects rescissions totaling $4,616,128,000 consisting of $2,956,897,000 in regular annual appropriation acts and $1,659,231,000 in supplemental acts. Excludes $323,000,000 appropriated in fiscal year 1984 to liquidate "indefinite" budget authority provided in fiscal year 1983 for certain programs in the Department of Health and Human Services. See table VIII, footnote 7, on p. 1129, 1983–84 volume, for accounts involved.

[25] Consists of $45,497,986,000 in Federal funds and $75,253,217,000 in interfund transactions.

[26] Reflects rescissions totaling $10,539,178,000 consisting of $10,129,461,000 in regular annual appropriation acts and $409,717,000 in supplemental acts. Excludes $429,786,000 appropriated in fiscal year 1985 to liquidate "indefinite" budget authority provided in fiscal year 1984 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1906, 1984–85 volume, for accounts involved.

X. TOTAL APPROPRIATIONS BY SESSIONS OF CONGRESS—Continued

[27] Consists of $43,371,844,000 in Federal funds and $112,578,395,000 in interfund transactions.

[28] Reflects rescissions totaling $8,555,956,000 consisting of $7,815,000,000 in regular annual appropriation acts including continuing resolutions and $740,956,000 in supplemental acts. Excludes $1,329,834,000 appropriated in fiscal year 1986 to liquidate "indefinite" budget authority provided in fiscal year 1985 for certain programs in the Department of Health and Human Services. See table VIII, footnote 5, on p. 1756, 1985–86 volume, for accounts involved.

[29] Consists of $47,593,037,000 in Federal funds and $121,106,722,000 in interfund transactions.

[30] Reflects rescissions totaling $19,277,677,000 consisting of $6,281,753,000 in regular annual appropriation acts including continuing resolutions and $12,995,924,000 in supplemental acts.

[31] Consists of $43,206,536,000 in Federal funds and $113,884,007,000 in interfund transactions.

[32] Reflects rescissions totaling $4,673,059,067 consisting of $4,072,371,067 in regular annual appropriation acts including continuing resolutions and $600,688,000 in supplemental acts.

[33] Consists of $40,169,599,000 in Federal funds and $127,103,523,000 in interfund transactions.

[34] Includes $557,049,779 for fiscal year 1978 and $256,200,000 for fiscal year 1979 (2 years in advance of budget year).

[35] This amount is for fiscal year 1980 (2 years in advance of budget year).

[36] Includes $5,136,500,000 for fiscal year 1980; $5,615,000,000 for fiscal year 1981; and $4,374,000,000 for fiscal year 1982.

[37] Includes $162,000,000 for fiscal year 1981 and $172,000,000 for fiscal year 1982 (2 years in advance of budget year).

[38] Includes $166,000,000 for fiscal year 1982 and $172,000,000 for fiscal year 1983 (2 years in advance of budget year).

[39] Includes $1,752,341,000 for fiscal year 1983 and $105,600,000 for fiscal year 1984 (2 years in advance of budget year).

[40] Includes $6,976,000,000 for fiscal year 1984 and $130,000,000 for fiscal year 1985 (2 years in advance of budget year).

[41] Includes $7,772,000,000 for fiscal year 1985 and $130,000,000 for fiscal year 1986 (2 years in advance of budget year).

[42] Includes $10,885,169,000 for fiscal year 1986 and $200,000,000 for fiscal year 1987 (2 years in advance of budget year).

[43] Includes $11,493,754,000 for fiscal year 1987 and $214,000,000 for fiscal year 1988 (2 years in advance of budget year).

[44] Includes $12,852,265,000 for fiscal year 1988 and $452,000,000 for fiscal year 1989 (2 years in advance of budget year).

[45] Includes $14,295,000,000 for fiscal year 1989 and $232,648,000 for fiscal year 1990 (2 years in advance of budget year).

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